federal register

SATURDAY, NOVEMBER 20, 1971

WASHINGTON, D.C.

Volume 36 ■ Number 225

Pages 22133–22216

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

(Continued inside)

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Contents

(Continued on next page)

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1971, and specifies how they are affected.

7 CFR

68 22139
910 22143
984 22144

PROPOSED RULES:

959 22165
1207 (2 documents) 22166, 22168

8 CFR

211 22145
212 22145

10 CFR

PROPOSED RULES:

71 22184

12 CFR

213 22145

PROPOSED RULES:

563 22186

14 CFR

71 22146

PROPOSED RULES:

39 22180
91 22180
103 22181

16 CFR

13 (8 documents) 22146–22151

PROPOSED RULES:

436 22187

18 CFR

PROPOSED RULES:

125 22187
154 22187
157 22187
225 22187

19 CFR

PROPOSED RULES:

21 22162

21 CFR

295 22151
308 22153

22 CFR

41 22153

32 CFR

245 22153

32A CFR

PROPOSED RULES:

Ch. X 22163

38 CFR

3 22144

41 CFR

29–1 22159
29–3 22159

45 CFR

PROPOSED RULES:

220 22177

46 CFR

PROPOSED RULES:

146 22177

49 CFR

PROPOSED RULES:

173 22181
174 22181
175 22181
177 22181

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Standards for Dry Peas, Split Peas, and Lentils

On August 26, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 16928) regarding a proposed revision of the U.S. Standards for Dry Peas (7 CFR 68.401 et seq.), for Split Peas (7 CFR 68.501 et seq.), and for Lentils (7 CFR 68.601 et seq.) pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624).

Interested persons were given 30 days in which to submit to the Hearing Clerk of the Department written data, views, or recommendations regarding the proposed revision. More than 600 reprints of the notice showing the proposed changes in the standards were distributed to interested trade and Government organizations. Three letters were received by the Hearing Clerk. Two of the responses supported the proposed changes. None opposed the changes. Accordingly, the revision as proposed is hereby adopted pursuant to sections 203 and 205 of said Agricultural Marketing Act, subject to the following changes:

1. The definition for Mixed Lentils (§ 68.601(a)) is changed to read as follows: "Any mixture of lentils consisting predominantly of (Chilean) Lentils or of Persian Lentils, which contains more than 2.0 percent of lentils other than those of the predominating class." This will provide a more practical standard of identity than that originally proposed which would have classed lentils as Mixed Lentils if the lot was not 100 percent (Chilean) Lentils or Persian Lentils.

2. Other changes of an editorial nature are made as reflected in the standards hereinafter set forth.

The standards are revised to read as follows:

U.S. STANDARDS FOR DRY PEAS[1]

TERMS DEFINED

§ 68.401 Definitions.

For the purposes of these standards the following terms shall have the meanings stated below:

(a) *Bleached peas.* Whole and pieces of dry peas of green-colored varieties which are bleached distinctly yellow in color or peas of yellow-colored varieties which are bleached distinctly green in color.

(b) *Classes.*[2] (1) Dry peas shall be divided into the following nine classes:

Alaska Dry Peas;
Austrian Winter Dry Peas;
Colorado White Dry Peas;
First and Best Dry Peas;
Perfection Dry Peas;
Romack Dry Peas; Surprise Dry Peas; White Canada Dry Peas; Mixed Dry Peas.

(2) Mixed dry peas shall be dry peas which contain either more than 1.5 percent of contrasting peas or more than 15.0 percent of peas that blend.

(3) Except with respect to the class Mixed Dry Peas, each class may contain not more than 1.5 percent of contrasting peas or not more than 15.0 percent of peas that blend.

(4) Dry peas that are not within any class listed above shall be classified according to the commonly accepted commercial name of such peas.

(c) *Contrasting peas.* Whole and pieces of dry peas which are of a contrasting color, or which differ materially in size, shape, or other characteristics from the predominating class.

(d) *Damaged peas.* Whole and pieces of dry peas which are distinctly damaged by frost, weather, disease, heat (other than to a material extent), or other causes, except weevil or material heat damage, or are distinctly soiled or stained by nightshade, dirt, or toxic material.

(e) *Defective peas.* The categories of defective peas shall be weevil-damaged peas, heat-damaged peas, damaged peas, contrasting peas, bleached peas, split peas, shriveled peas, or peas with cracked seedcoats.

(f) *Dockage.* Small underdeveloped dry peas, pieces of dry peas, and all matter other than dry peas which can be removed readily by the use of sieves and cleaning devices as set forth in the Inspection Handbook (see § 68.406).

(g) *Dockage-free dry peas.* Dry peas from which the dockage has been removed.

(h) *Dry peas.* Threshed seeds of the garden pea plant (*Pisum sativum* L.) and the winter field pea plant (*Pisum sativum* var. *arvense* (L.) Poir.) which after the removal of dockage contain 50.0 percent or more of whole peas and not more than 10.0 percent of foreign material.

(i) *Fair color peas.* Dry peas that in mass are off color from the characteristic color of the predominating class as a result of age or any other cause.

(j) *Foreign material in dockage-free dry peas.* All matter other than dry peas, and including detached seedcoats.

(k) *Foreign material in thresher-run dry peas.* All matter other than dry peas, and including detached seedcoats, which cannot be readily removed in the determination of dockage.

(l) *Good color peas.* Dry peas that in mass are practically free from discoloration and have the natural color and appearance characteristics of the predominating class.

(m) *Heat-damaged peas.* Whole and pieces of dry peas which have been materially discolored as a result of heating.

(n) *Peas with cracked seedcoats.* Dry peas having readily discernible cracked seedcoats or peas which have all or a part of the seedcoat removed, and broken peas which are more than one-half of a whole pea.

(o) *Peas that blend.* Dry peas of classes other than the predominating class and which are similar in color, size, and shape to the predominating class.

(p) *Poor color peas.* Dry peas that in mass are distinctly off color from the characteristic color of the predominating class as a result of age or any other cause.

(q) *Shriveled peas.* Dry peas which are distinctly shriveled in contrast to the natural shape and appearance of the predominating peas in the sample.

(r) *Split peas.* The halves or smaller pieces of dry peas and dry peas in which the halves are loosely held together.

(s) *Thresher-run dry peas.* Dry peas from which the dockage has not been removed.

(t) *Weevil-damaged peas.* Whole and pieces of dry peas which are distinctly damaged by the pea weevil or other insects.

(u) *Whole peas.* Dry peas with one-fourth or less of the cotyledons removed and with the remainder of the cotyledons firmly held together.

[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

[2] The use of a variety name in the designation of the class of dry peas does not imply any guarantee of varietal purity.

(v) *Wrinkled peas.* Dry peas of the wrinkled varieties of garden peas.

(w) $^{19}/_{64}$ x $^{3}/_{4}$ *slotted-hole sieve.* A metal sieve 0.0319 inch thick, with slotted perforations 0.1562 ($^{19}/_{64}$) inch wide by 0.750 ($^{3}/_{4}$) inch long, which are 0.2812 ($^{9}/_{32}$) inch from center to center and with 0.1562 ($^{5}/_{32}$) inch end bridges. (The perforations of each row shall be staggered in relation to the adjacent rows.)

(x) $^{11}/_{64}$ x $^{3}/_{4}$ *slotted-hole sieve.* A metal sieve 0.0319 inch thick, with slotted perforations 0.1718 ($^{11}/_{64}$) inch wide by 0.750 ($^{3}/_{4}$) inch long, which are 0.3125 ($^{5}/_{16}$) inch from center to center and with 0.1562 ($^{5}/_{32}$) inch end bridges. (The perforations of each row shall be staggered in relation to the adjacent rows).

(y) $^{15}/_{64}$ *round-hole sieve.* A metal sieve 0.0319 inch thick, perforated with round holes 0.2343 ($^{15}/_{64}$) inch in diameter, which are 0.3125 ($^{5}/_{16}$) inch from center to center. (The perforations of each row shall be staggered in relation to the adjacent rows.)

(z) $^{16}/_{64}$ *round-hole sieve.* A metal sieve 0.0319 inch thick, perforated with round holes 0.250 ($^{16}/_{64}$) inch in diameter, which are 0.3750 ($^{3}/_{8}$) inch from center to center. (The perforations of each row shall be staggered in relation to the adjacent rows.)

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

§ 68.402 Basis of determinations.

(a) All factor determinations shall be made upon the basis of the dry peas after the removal of dockage with the following exceptions:

(1) Dockage in thresher-run dry peas shall be determined upon the basis of the peas as sampled.

(2) Color shall be determined after the removal of dockage, defective peas, and foreign material.

(b) Defects in peas shall be scored in accordance with the order shown in § 68.401(e) and once an individual pea is scored in a defective category it shall not be scored for any other defect but it shall remain as a part of the sample for purposes of determining the percentages of other defects in the sample.

§ 68.403 Moisture.

Moisture content shall be determined by the use of equipment and procedures set forth in the Equipment Manual, GR Instruction 916–6, or by any method which gives equivalent results (see § 68.406).

§ 68.404 Percentages.

All percentages shall be determined on the basis of weight and shall be rounded off in accordance with instructions shown in Inspection Handbook HB–1 (see § 68.406). Percentages, except for classes in "Mixed Dry Peas," shall be stated in whole and tenth percent to the nearest tenth percent. The percentages for classes in "Mixed Dry Peas" shall be stated to the nearest whole percent.

§ 68.405 Interpretive line samples.

Interpretive line samples showing the official scoring line for factors that are determined by visual observation shall be maintained by the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, and shall be available for reference in all inspection offices that inspect and grade dry peas.

§ 68.406 References.

The following publications are referenced in these standards. Copies will be made available upon request to the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture.

(a) Equipment Manual, GR Instruction 916–6, U.S. Department of Agriculture, Consumer and Marketing Service.

(b) Inspection Handbook, HB–1, U.S. Department of Agriculture, Consumer and Marketing Service.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§ 68.407 Grades and grade requirements for dockage-free dry peas.

(See also § 68.409.)

	Maximum limits of—										
	Defective peas										Minimum requirements—color
	Weevil-damaged peas	Heat-damaged peas	Damaged peas [4]	Contrasting peas [2]	Bleached peas [2]	Split peas	Shriveled peas	Peas with cracked seedcoats	Peas that blend [3]	Foreign material	
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	
U.S. No. 1 [1]	0.3	0.2	1.0	0.3	1.5	0.5	2.0	3.5	5.0	0.1	Good.
U.S. No. 2 [1]	0.8	0.5	1.5	0.8	3.0	1.0	4.0	5.5	10.0	0.2	Fair.
U.S. No. 3 [1]	1.5	1.0	2.0	1.5	5.0	1.5	8.0	7.5	15.0	0.5	Poor.
U.S. Sample grade	U.S. Sample grade shall be dry peas which: (a) Do not meet the requirements for the grades U.S. Nos. 1, 2, or 3; or (b) Contain more than 15.0 percent moisture, live weevils or other live insects, metal fragments, broken glass, or a commercially objectionable odor; or (c) Are materially weathered, heating, or distinctly low quality.										

[1] Size requirements: Dry peas of any of the numerical grades shall be of such size that not more than 3.0 percent of the peas will pass readily through an oblong-hole sieve with perforations of the dimensions used in the determination of dockage on thresher-run dry peas of the respective classes.

[2] These limits do not apply to the class Mixed Dry Peas.

[3] These limits do not apply to winter field peas and wrinkled garden peas.

[4] Damaged peas do not include weevil-damaged or heat-damaged peas.

§ 68.408 Grade designation for dockage-free dry peas.

The grade designation for dockage-free dry peas shall include, in the order named, the letters "U.S."; the number of the grade or the words "Sample grade"; the name of each applicable special grade; and the name of the class. The grade designation for the class Mixed Dry Peas shall also include, following the words "Mixed Dry Peas," the name and approximate percentage of each class of dry peas in the mixture, in the order of predominance.

SPECIAL GRADES, SPECIAL GRADE REQUIREMENTS, AND SPECIAL GRADE DESIGNATIONS

§ 68.409 Special grades and requirements.

The following special grades shall be applicable:

(a) *Large dry peas.* Peas of the classes Alaska Dry Peas, First and Best Dry Peas, and White Canada Dry Peas, of which not more than 3.0 percent of the peas will readily pass through the following sieves for the respective classes:

	Round-hole sieve
Alaska Dry Peas	$^{16}/_{64}$
First and Best Dry Peas	$^{16}/_{64}$
White Canada Dry Peas	$^{15}/_{64}$

(b) *Small dry peas.* Peas of the classes Alaska Dry Peas, First and Best Dry Peas, and White Canada Dry Peas, of which not more than 3.0 percent of the peas will remain on the sieve prescribed in paragraph (a) of this section, for the respective class, and not more than 3.0 percent will readily pass through the following sieves for the respective classes.

	Slotted-hole sieve
Alaska Dry Peas	$^{11}/_{64}$ x $^{3}/_{4}$
First and Best Dry Peas	$^{11}/_{64}$ x $^{3}/_{4}$
White Canada Dry Peas	$^{19}/_{64}$ x $^{3}/_{4}$

§ 68.410 Special grade designation.

Large dry peas and Small dry peas shall be graded and designated according to the grade requirements of the standards otherwise applicable to such dry peas, and there shall be added to and made a part of the grade designation preceding the name of the class the applicable word "Large" or "Small."

§ 68.411 Thresher-run dry peas.

Thresher-run dry peas shall be inspected without reference to grade in accordance with instructions shown in Inspection Handbook HB–1 (see § 68.406).

(a) Factor determinations: Thresher run dry peas may be inspected for the following factors: Class, dockage, defective peas, foreign material, peas that blend, color description, and moisture (moisture becomes a factor when in excess of 15.0 percent).

(b) The percentage of defective peas and foreign material shall be combined

and shown on the certificate as "total defects and foreign material."

(c) For the classes Alaska Dry Peas, First and Best Dry Peas, and other smooth seeded varieties, only the percentage of peas with cracked seedcoats in excess of 3.0 percent shall be included in the factor "total defects and foreign material." (Example: In a sample containing 3.2 percent of peas with cracked seedcoats, only 0.2 percent would be included in the total defects and foreign material.)

U.S. STANDARDS FOR SPLIT PEAS[1]

TERMS DEFINED

§ 68.501 Definitions.

For the purposes of these standards the following terms shall have the meanings stated below:

(a) *Bleached split peas.* Split peas of green-colored varieties which are bleached distinctly yellow in color or split peas of yellow-colored varieties which are bleached distinctly green in color.

(b) *Classes.* The following three classes:

(1) *Green split peas.* Split peas from the garden varieties which have green-colored cotyledons.

(2) *Yellow split peas.* Split peas from the garden varieties which have yellow-colored cotyledons.

(3) *Winter split peas.* Split peas from the Austrian Winter or Romack varieties, or of other similar varieties.

(c) *Contrasting split peas.* Split peas which are of a color contrasting with the predominating class of split peas. Bleached split peas of the predominating class shall not be considered as contrasting split peas.

(d) *Damaged split peas.* Split peas which are distinctly damaged by frost, weather, disease, heat (other than to a material extent), or other causes (except weevil or material heat damage), or are distinctly soiled or stained by nightshade, dirt, or toxic material.

(e) *Defective split peas.* The categories of defective split peas shall be weevil-damaged split peas, heat-damaged split peas, damaged split peas, contrasting split peas, whole peas, white caps, and bleached split peas.

(f) *Fair color split peas.* Split peas that in mass are off color from the characteristic color of the predominating class as a result of age or any other cause.

(g) *Foreign material.* All matter which will pass readily through a 2½/64 round-hole sieve and all matter other than split peas which remains on the sieve. (Foreign material shall include detached seedcoats and pieces of detached seedcoats.)

(h) *Good color split peas.* Split peas that in mass are practically free from discoloration and have the natural color and appearance characteristic of the predominating class.

(i) *Heat-damaged split peas.* Split peas which have been materially discolored and damaged by heat.

(j) *Poor color split peas.* Split peas that in mass are distinctly off color from the characteristic color of the predominating class as a result of age or any other cause.

(k) *Split peas.* Dry threshed seeds of the garden pea plant (*Pisum sativum* L.) and the winter field pea plant (*Pisum sativum* var. *arvense* (L.) Poir.) of which 50.0 percent or more have been split into halves or smaller pieces and which contain not more than 10.0 percent of foreign material.

(l) *Weevil-damaged split peas.* Split peas which are distinctly damaged by the pea weevil or other insects.

(m) *White caps.* Split peas with seedcoats attached.

(n) *Whole peas.* Dry peas which are not split.

(o) 2½/64 *round-hole sieve.* A 2½/64 round-hole sieve shall be a metal sieve 0.0319 inch thick, perforated with round holes 0.0391 (2½/64) inch in diameter, which are 0.075 inch from center to center. (The perforations of each row shall be staggered in relation to the adjacent rows.)

(p) 9/64 *round-hole sieve.* A 9/64 round-hole sieve shall be a metal sieve 0.0319 inch thick, perforated with round holes 0.0938 (9/64) inch in diameter which are 0.1562 (5/32) inch from center to center. (The perforations of each row shall be staggered in relation to the adjacent rows.)

(q) 8/64 *round-hole sieve.* An 8/64 round-hole sieve shall be a metal sieve 0.0319 inch thick, perforated with round holes 0.1250 (8/64) inch in diameter which are 0.1875 (3/16) inch from center to center. (The perforations of each row shall be staggered in relation to the adjacent rows.)

(r) 10/64 *round-hole sieve.* A 10/64 round-hole sieve shall be a metal sieve 0.0319 inch thick, perforated with round holes 0.1562 (10/64) inch in diameter which are 0.2187 (7/32) inch from center to center. (The perforations of each row shall be staggered in relation to the adjacent rows.)

(s) 12/64 *round-hole sieve.* A 12/64 round-hole sieve shall be a metal sieve 0.0319 inch thick, perforated with round holes 0.1875 (12/64) inch in diameter which are 0.250 (¼) inch from center to center. (The perforations of each row shall be staggered in relation to the adjacent rows.)

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

§ 68.502 Basis of determinations.

(a) All factor determinations shall be made on the basis of the split peas as sampled.

(b) Defects in split peas shall be scored in accordance with the order shown in § 68.501(e) and once an individual pea is scored in a defective category it shall not be scored for any other defect but it shall remain as a part of the sample for purposes of determining the percentages of other defects in the sample.

§ 68.503 Moisture.

Moisture content shall be determined by the use of equipment and procedures set forth in the Equipment Manual, GR Instruction 916–6, or by any method which gives equivalent results (see § 68.506).

§ 68.504 Percentages.

All percentages shall be determined on the basis of weight and shall be rounded off in accordance with instructions shown in Inspection Handbook HB–1 (see § 68.506). Percentages shall be stated in whole and tenth percent to the nearest tenth percent.

§ 68.505 Interpretive line samples.

Interpretive line samples showing the official scoring line for factors that are determined by visual observation shall be maintained by the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, and shall be available for reference in all inspection offices that inspect and grade split peas.

§ 68.506 References.

The following publications are referenced in these standards. Copies will be made available upon request to the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture.

(a) Equipment Manual, GR Instruction 916–6, U.S. Department of Agriculture, Consumer and Marketing Service.

(b) Inspection Handbook, HB–1, U.S. Department of Agriculture, Consumer and Marketing Service.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§ 68.507 Grades and grade requirements for split peas.

(See also § 68.509.)

[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

Grade	Maximum limits of—														
	Defective Peas														
	Split peas passing through—			Weevil-damaged split peas	Heat-damaged split peas	Damaged peas[1]	Contrasting split peas		Whole peas	White caps		Bleached peas in Green and Yellow Split Peas only	Foreign material	Minimum requirements—color
	19/64 round-hole sieve	9/64 round-hole sieve	8/64 round-hole sieve				In Green and Yellow Split Peas only	In Winter Split Peas only		In Green and Yellow Split Peas only	In Winter Split Peas only			
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	
U.S. No. 1	3.0	0.5	0.1	0.5	0.2	1.0	0.3	0.5	0.5	1.0	1.5	1.5	0.1	Good.
U.S. No. 2	15.0	3.0	0.2	1.0	0.5	1.5	0.8	1.0	1.0	2.0	3.0	3.0	0.2	Fair.
U.S. No. 3	25.0	5.0	0.3	1.5	1.0	2.0	1.5	2.0	2.0	3.0	5.0	5.0	0.5	Poor.
U.S. Sample grade	U.S. Sample grade shall be split peas which— (a) Do not meet the requirements for the grades U.S. Nos. 1, 2, or 3; or (b) Contain more than 15.0 percent moisture, live weevils, other live insects, insect webbing or filth, metal fragments, broken glass, or a commercially objectionable odor; or (c) Are heating, or are distinctly low quality.														

[1] Damaged peas do not include weevil-damaged or heat-damaged peas.

§ 68.508 Grade designation for split peas.

The grade designation for split peas shall include in the following order, the letters "U.S."; the number of the grade or the words "Sample grade"; the name of the class; and the name of each applicable special grade.

SPECIAL GRADE, SPECIAL GRADE REQUIREMENTS, AND SPECIAL GRADE DESIGNATIONS

§ 68.509 Special grade and requirements.

(a) The special grade "Split pea chips" shall be applied in accordance with the following requirements: The split peas shall readily pass through a 12/64 round-hole sieve. Additional size requirements for the respective numerical grades shall be as follows:

U.S. No. 1—Not more than 3.0 percent shall readily pass through a 9/64 round-hole sieve;
U.S. No. 2—Not more than 6.0 percent shall readily pass through a 9/64 round-hole sieve;
U.S. No. 3—Not more than 10.0 percent shall readily pass through a 9/64 round-hole sieve.

§ 68.510 Special grade designation.

Split pea chips shall be graded and designated according to the grade requirements of the standards otherwise applicable to split peas, except for size, and there shall be added to and made a part of the grade designation, the word "Chips."

U.S. STANDARDS FOR LENTILS[1]

TERMS DEFINED

§ 68.601 Definitions.

For the purposes of these standards the following terms shall have the meaning stated below.

(a) *Classes.* The following three classes:

(1) *Lentils.* All lentils of the Chilean type, with not more than 2.0 percent of Persian Lentils.

(2) *Persian Lentils.* All lentils of the Persian type, with not more than 2.0 percent of (Chilean) Lentils.

(3) *Mixed Lentils.* Any mixture of lentils consisting predominantly of (Chilean) Lentils or of Persian Lentils, which contains more than 2.0 percent of lentils other than those of the predominating class.

(b) *Damaged lentils.* Whole and pieces of lentils which are distinctly damaged by frost, weather, disease, heat (other than to a material extent) or other causes, except weevil or material heat damage or are distinctly soiled or stained by nightshade, dirt, or toxic material.

(c) *Defective lentils (total).* The categories of defective lentils shall be weevil-damaged lentils, heat-damaged lentils, damaged lentils, and split lentils.

(d) *Dockage.* Small underdeveloped lentils, pieces of lentils, and all matter other than lentils which can be readily removed by use of sieves and cleaning devices as set forth in the Inspection Handbook (see § 68.606).

(e) *Dockage-free lentils.* Lentils from which the dockage has been removed.

(f) *Fair color lentils.* Lentils that are not of good color.

(g) *Foreign material in dockage-free lentils.* All matter other than lentils, and including detached seedcoats.

(h) *Foreign material in thresher-run lentils.* All matter other than lentils, and including detached seedcoats, which cannot be readily removed in the proper determination of dockage.

(i) *Good color lentils.* Lentils that in mass are practically free from discoloration and have the natural color and appearance characteristic of the predominating lentils.

(j) *Heat-damaged lentils.* Whole and pieces of lentils which have been materially discolored as a result of heating.

(k) *Lentils (Lentils, Persian Lentils, or Mixed Lentils).* Threshed seeds of the lentil plant (*Lens culinaris* Moench) which after removal of the dockage contain 50.0 percent or more of whole lentils and not more than 10.0 percent foreign material.

(l) *Skinned lentils.* Lentils from which three-fourths or more of the seedcoat has been removed.

(m) *Split lentils.* Pieces of lentils which are less than three-fourths of a lentil, and lentils in which the cotyledons are loosely held together.

(n) *Stones.* Concreted earthy or mineral matter, and other substances or similar hardness that do not readily disintegrate in water.

(o) *Thresher-run lentils.* Lentils from which the dockage has not been removed.

(p) *Weevil-damaged lentils.* Whole and pieces of lentils which are distinctly damaged by weevils or other insects.

(q) *Whole lentils.* Lentils with one-fourth or less of the cotyledons removed and with the remainder of the cotyledons firmly held together.

(r) 9/64 *round-hole sieve.* A metal sieve 0.0319 inch thick, perforated with round holes 0.1406 (9/64) inch in diameter which are 0.1875 (3/16) inch from center to center. (The perforations of each row shall be staggered in relation to the adjacent rows.)

(s) 12/64 *round-hole sieve.* A metal sieve 0.0319 inch thick, perforated with round holes 0.1875 (12/64) inch in diameter, which are 0.250 (1/4) inch from center to center. (The perforations of each row shall be staggered in relation to the adjacent rows.)

(t) 15/64 *round-hole sieve.* A metal sieve 0.0319 inch thick, perforated with round holes 0.2343 (15/64) inch in diameter, which are 0.3125 (5/16) inch from center to center. (The perforations of each row shall be staggered in relation to the adjacent rows.)

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

§ 68.602 Basis of determinations.

(a) All factor determinations shall be made upon the basis of the lentils after the removal of dockage, with the following exceptions:

(1) Dockage shall be determined upon the basis of the thresher-run lentils as sampled.

(2) Color shall be determined after removal of dockage, defective peas, and foreign material.

(b) Defects in lentils shall be scored in accordance with the order shown in § 68.601(c) and once an individual lentil is scored in a defective category it shall not be scored for any other defect but it shall remain as a part of the sample for

[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

purposes of determining the percentages of other defects in the sample.

§ 68.603 Moisture.

Moisture content shall be determined by the use of equipment and procedures set forth in the Equipment Manual, GR Instruction 916–6, or by any method which gives equivalent results (see § 68.606).

§ 68.604 Percentages.

All percentages shall be determined on the basis of weight and shall be rounded off in accordance with instructions shown in Inspection Handbook HB–1 (see § 68.606). Percentages, except for classes in "Mixed Lentils," shall be stated in whole and tenth percent to the nearest tenth percent. The percentages for each class in "Mixed Lentils" shall be stated to the nearest whole percent.

§ 68.605 Interpretive line samples.

Interpretive line samples showing the official scoring line for factors that are determined by visual observation shall be maintained by the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, and shall be available for reference in all inspection offices that inspect and grade lentils.

§ 68.606 References.

The following publications are referenced in these standards. Copies will be made available upon request to Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture.

(a) Equipment Manual, GR Instruction 916–6, U.S. Department of Agriculture, Consumer and Marketing Service.

(b) Inspection Handbook, HB–1, U.S. Department of Agriculture, Consumer and Marketing Service.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§ 68.607 Grades and grade requirements for dockage-free lentils.

(See also § 68.609.)

Grade	Maximum limits of—					Minimum requirements—color
	Defective lentils			Foreign material		
	Total	Weevil-damaged lentils	Heat-damaged lentils	Total	Stones	
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	
U.S. No. 1	2.0	0.3	0.2	0.2	0.1	Good.
U.S. No. 2	3.5	0.8	0.5	0.5	0.2	Fair.
U.S. Sample grade	U.S. Sample grade shall be lentils which— (a) Do not meet the requirements for the grades U.S. Nos. 1 or 2; or (b) Contain more than 14.0 percent moisture, live weevils or other live insects, metal fragments, broken glass, or a commercially objectionable odor; or (c) Are materially weathered, heating, or distinctly low quality.					

§ 68.608 Grade designation for dockage-free lentils.

The grade designation for dockage-free lentils shall include, in the order named, the letters "U.S."; the number of the grade or the words "Sample grade" when applicable; the name of each applicable special grade; and the name of the class. The grade designation for the class Mixed Lentils shall include, following the words "Mixed Lentils," the name and approximate percentage of each class of lentils in the mixture, in the order of predominance.

SPECIAL GRADES, SPECIAL GRADE REQUIREMENTS, AND SPECIAL GRADE DESIGNATIONS

§ 68.609 Special grades and requirements.

The following special grades shall be applicable:

(a) *Large lentils.* Lentils of the class Lentils of which not more than 3.0 percent will readily pass through a $^{15}/_{64}$ round-hole sieve.

(b) *Small lentils.* Lentils of the class Lentils of which 95 percent or more will readily pass through a $^{15}/_{64}$ round-hole sieve, not less than 80 percent will readily pass through a $^{12}/_{64}$ round-hole sieve, and not more than 3 percent will readily pass through a $^{9}/_{64}$ round-hole sieve.

§ 68.610 Special grade designation.

Large lentils and Small lentils shall be graded and designated according to the grade requirements of the standards otherwise applicable to lentils, and there shall be added to and made a part of the grade designation preceding the name of the class, the applicable term "Large" or "Small."

§ 68.611 Thresher-run lentils.

Thresher-run lentils shall be inspected without reference to grade in accordance with instructions shown in Inspection Handbook HB–1 (see § 68.606).

(a) Factor determinations: Thresher-run lentils may be inspected for the following factors: Class, dockage, weevil-damaged lentils, heat-damaged lentils, damaged lentils, split lentils, foreign material, and color description.

(b) The percentage of defective lentils and foreign material shall be combined and shown on the certificate as "total defects and foreign material."

The changes have been thoroughly reviewed with the pea and lentil trade including farmers and dealers. Both groups strongly urge that the changes be made effective as soon as possible. They indicate that much of the 1971 crop remains in the hands of growers and should be marketed on the basis of the revised standards which more adequately reflect the overall quality of the product. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure with respect to the revision are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing standards supersede the U.S. Standards for Dry Peas, Split Peas, and Lentils as amended effective August 1, 1962, and shall become effective December 1, 1971.

Signed at Washington, D.C., on November 15, 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71-16900 Filed 11-19-71;8:45 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 508]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.808 Lemon Regulation 508.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based

became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for rgulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committe meeting was held on November 16, 1971.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period November 21 through November 27, 1971, is hereby fixed at 160,000 cartons.

(2) As used in this section, "handled" and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 18, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–17072 Filed 11–19–71;8:52 am]

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Walnut Control Board, Expenses and Rates of Assessment for 1971–72 Marketing Year

Notice was published in November 5, 1971, issue of the FEDERAL REGISTER (36 F.R. 21291) regarding proposed expenses of the Walnut Control Board for the 1971–72 marketing year and rates of assessment for that year. This action approves such expenses and assessment rates and is pursuant to §§ 984.68 and 984.69 of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984). The amended marketing agreement and order regulate the handling of walnuts grown in California, Oregon, and Washington, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. None were received within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Walnut Control Board, and other available information, it is found that the expenses of the Board and rates of assessment for the 1971–72 marketing year (which began August 1, 1971, and ends July 31, 1972), shall be as follows:

§ 984.323 Expenses of the Walnut Control Board and rates of assessment for the 1971–72 marketing year.

(a) *Expenses.* Expenses in the amount of $153,300 are reasonable and likely to be incurred by the Walnut Control Board during the marketing year beginning August 1, 1971, for its maintenance and functioning, and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rates of assessment.* The rates of assessment for said marketing year, payable by each handler in accordance with § 984.69, are fixed at 0.10 cent per pound for merchantable in-shell walnuts and 0.25 cent per pound for merchantable shelled walnuts.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rates of assessment fixed for a particular marketing year shall be applicable to all assessable walnuts from the beginning of such year; and (2) the 1971–72 marketing year began August 1, 1971, and the rates of assessment herein fixed will automatically apply to all such assessable walnuts beginning with that date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 17, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–17030 Filed 11–19–71;8:51 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart B—Burial Benefits

MISCELLANEOUS AMENDMENTS

This amendment reframes in current terminology in use in connection with hospital admissions and discharges section pertaining to burial benefits for persons who die during Veterans Administration hospitalization and provides for payment of $30 for a shipping case for a casket used in transportation of the remains of such a veteran to the place of burial.

1. In § 3.1605, paragraph (d) is amended to read as follows:

§ 3.1605 Death while traveling under prior authorization or while hospitalized by the Veterans Administration.

* * * * *

(d) *Persons properly hospitalized.* A person properly hospitalized who dies:

(1) While on authorized absence which has not exceeded 96 hours at time of death;

(2) While in a status of unauthorized absence for a period not in excess of 24 hours; or

(3) While absent from the hospital for a period totaling 24 hours of combined authorized and unauthorized absence (all other cases in which such absence arises at the expiration of an authorized absence are not included);

is considered as having died while hospitalized.

* * * * *

2. In § 3.1606(a), subparagraphs (3) and (4) are amended to read as follows:

§ 3.1606 Transportation items where veteran dies while properly hospitalized.

The transportation costs of those persons who come within the provisions of § 3.1605 (a), (b), (c), and (d) may include the following:

(a) *Shipment by common carrier.* * * *

(3) Shipping case: An allowance not to exceed $30 may be made as a part of transportation expense. Any excess amount would be an acceptable item to be included in the burial allowance expenses.

(4) Cost of sealing outside case (tin or galvanized iron), if a vault (steel or concrete) is used as a shipping case and also for burial, an allowance of $30 may be made thereon in lieu of a separate shiping case.

* * * * *

3. In § 3.1610, paragraph (a) is amended to read as follows:

§ 3.1610 Burial in national cemeteries.

* * * * *

(a) Such burial is desired by the person or persons entitled to the custody of the remains for purposes of interment. Where the body is unclaimed by relatives or friends the Director of the regional office in the area in which the veteran died will immediately complete arrangements for burial in a national cemetery. (See § 3.1603.)

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: November 16, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71–17018 Filed 11–19–71;8:50 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Visas

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. The first and fourth sentences of subparagraph (1) *Form I–151, Alien Registration Receipt Card* of paragraph (b) *Aliens returning to an unrelinquished lawful permanent residence* of § 211.1 *Visas* are amended to read as follows: "In lieu of an immigrant visa, an immigrant alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding one year may present Form I–151, Alien Registration Receipt Card, duly issued to him, provided that during such absence he did not travel to, in, or through any of the following places: Cuba and Communist portions of Korea or Viet-Nam, and, except for children who have not attained the age of 16 at the time they apply for admission into the United States, Albania, Bulgaria, the Communist portion of China, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Outer Mongolia, Poland, Rumania, the Soviet Zone of Germany (German Democratic Republic), the Union of Soviet Socialist Republics, or Yugoslavia. * * * An alien who proceeded abroad temporarily without a reentry permit and in whose case subsequent to his departure from the United States the Department of State has approved travel to, in, or through Cuba, or Communist portions of Korea or Viet-Nam, may, in lieu of an immigrant visa or reentry permit, present Form I–151 together with the letter from the Department of State approving his travel to, in, or through the place or places named in the letter, if he is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding one year."

2. The third sentence of subparagraph (2) *Reentry permit* of paragraph (b) *Aliens returning to an unrelinquished lawful permanent residence* of § 211.1 *Visas* is amended to read as follows: "A reentry permit shall be invalid when presented by an alien who, during his temporary absence abroad, traveled to, in, or through Cuba, or Communist portions of Korea or Viet-Nam, unless his permit bears an endorsement, or he presents a letter issued to him by the Department of State, stating that the restriction with regard to any such place or places has been waived."

3. The second sentence of subparagraph (3) *Waiver of visas* of paragraph (b) *Aliens returning to an unrelinquished lawful permanent residence* of § 211.1 *Visas* is amended to read as follows: "If the alien has traveled to, in, or through Cuba, or Communist portions of Korea or Viet-Nam, a waiver will not be authorized unless the Secretary of State has granted the alien permission to travel to, in, or through any such place or places."

The second sentence of subparagraph (1) *Transit without visa* of paragraph (e) *Direct transits* of § 212.1 *Documentary requirements for nonimmigrants* is amended to read as follows: "This waiver of visa and passport requirements is not available to an alien who is a citizen of Cuba, North Korea (Democratic Peoples' Republic of Korea), North Viet-Nam (Democratic Republic of Viet-Nam), or the Soviet Zone of Germany (German Democratic Republic) and is a resident of one of said countries, and is, on a basis of reciprocity, available to a national of Albania, Bulgaria, Communist-controlled China (People's Republic of China), Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Outer Mongolia (Mongolian People's Republic), Poland, Romania, or the Union of Soviet Socialist Republics resident in one of said countries, only if he is transiting the United States by aircraft of a transportation line signatory to an agreement with the Service on Form I–426 on a direct through flight which will depart directly to a foreign place from the port of arrival."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER (11–20–71). Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendments to §§ 211.1(b) (1), (2), and (3) relieve restrictions; and the amendment to § 212.1 (e) (1) confers a benefit on persons affected thereby.

Dated: November 9, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71–17020 Filed 11–19–71;8:50 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. M]

PART 213—FOREIGN ACTIVITIES OF NATIONAL BANKS

Extension of Credit by Foreign Branch of Member Bank to Domestic Subsidiary of Edge Act Corporation

§ 213.103 Credit extended by foreign branches of member banks to domestic subsidiaries of Edge Act corporations.

(a) The Board of Governors recently considered the applicability of § 213.7 of Regulation M to credit extended by a foreign branch of a member bank to a domestically-chartered financing subsidiary of the member bank's subsidiary Edge Act corporation.[1] The financing subsidiary proposed to use the credit to make loans and investments abroad. Such loans would not be to U.S. residents; such investments would not involve the acquisition of assets from the member bank (other than assets described in clause (2) of footnote 7 to § 213.7).

(b) Section 213.7 is designed to affect the flow of foreign funds into the domestic banking system. Section 213.7(b) (2) exempts from reserve requirements credit extended to enable the borrower to comply with requirements of the Office of Foreign Direct Investments, Department of Commerce. The justification for that exemption is that the borrowing does not directly affect the availability of credit for use in the United States.

(c) Consistent with the purpose of § 213.7 and the exemption for credits under the OFDI program, the Board concluded that a foreign branch of a member bank need not maintain reserves against credit extended to a domestically-chartered financing subsidiary of any of the member bank's Edge Act corporations on any portion of the credit that is used by the financing subsidiary to make loans and investments abroad of the type proposed.

(Interprets and applies 12 U.S.C. 601 and 12 U.S.C. 321)

By order of the Board of Governors, November 15, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71–16982 Filed 11–19–71;8:47 am]

[1] Corporation organized under section 25 (a) of the Federal Reserve Act (12 U.S.C. 611–631).

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-SO-155]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Federal Airway Segment

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the north alternate segment of VOR Federal airway No. 18 between Jackson, Miss., and Meridian, Miss.

Each of the peak-day traffic surveys for the past 4 years has shown no flights along this segment of V-18N which therefore can no longer be retained as such an assignment of airspace.

Since this amendment restores airspace to the public use and relieves a restriction, notice, and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30-days notice. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 6, 1972, as hereinafter set forth.

Section 71.123 (36 F.R. 2010, 3892, 11806, 18076, 18725) is amended as follows: In V-18 "Meridian, Miss., including a N alternate and also a S alternate;" is deleted and "Meridian, Miss., including a S alternate;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 16, 1971.

T. McCORMACK,
Acting Chief Airspace and Air Traffic Rules Division.

[FR Doc.71-16968 Filed 11-19-71;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-2065]

PART 13—PROHIBITED TRADE PRACTICES

B & L Building Modernization Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71-10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 Terms and conditions: 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1905 Terms and conditions: 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, B & L Building Modernization Corp. et al., Albany, N.Y., Docket No. C-2065, Oct. 14, 1971]

In the Matter of B & L Building, Modernization Corp., a Corporation, and Henry S. Bloomgarden and Harold Lavine Individually and as Officers of Said Corporation

Consent order requiring an Albany, N.Y., seller of home improvement services and materials to cease violating the Truth in Lending Act by failing to disclose the cash price, cash downpayment, amount financed, deferred payment price, annual percentage rate, failing to disclose the customer's right to rescind contract within 3 days, failing to note on the contract a notice that any holder takes it subject to all terms, and failing to make all other disclosures required by Regulation Z of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, B & L Building Modernization Corp., a corporation, and its officers, Henry Bloomgarden and Harold Lavine, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, or under any other name, in connection with any consumer credit sale, as "consumer credit" and "credit sale" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to disclose or to accurately disclose the "cash price," to describe the price at which respondents offer, in the regular course of business, to sell for cash the property or services which are the subject of the credit sale, as required by § 226.8(c)(1) of Regulation Z.

2. Failing to disclose or to accurately disclose the "cash downpayment," to describe the amount of the downpayment in money made in connection with the credit sale, as required by § 226.8(c)(2) of Regulation Z.

3. Failing to disclose the "amount financed," to describe the amount of credit of which the customer has the actual use, as required by § 226.8(c)(7) of Regulation Z.

4. Failing to disclose the "deferred payment price," to describe the sum of the cash price, all other charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, as required by § 226.8(c)(8)(ii) of Regulation Z.

5. Failing to disclose the annual rate of the finance charge expressed as an "annual percentage rate," as required by § 226.8(b)(2) of Regulation Z.

6. Failing to disclose the date on which the finance charge begins to accrue, when different from the date of the transaction, as required by § 226.8(b)(1) of Regulation Z.

7. Failing to disclose, or to accurately disclose on the notice of rescission, the date on which the customer's right of rescission expires, said date being not earlier than the third business day following the date of the transaction, as required by § 226.9(b) of Regulation Z.

8. Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form an amount required by §§ 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

9. Assigning, selling or otherwise transferring respondents' notes, contracts or other documents evidencing a purchaser's indebtedness, unless any rights or defenses which the purchaser has and may assert against respondents are preserved and may be asserted against any assignee or subsequent holder of such note, contract or other documents evidencing the indebtedness.

10. Failing to include the following statement clearly and conspicuously on the face of any note, contract or other instrument of indebtedness executed by or on behalf of respondents' customers:

NOTICE

Any holder takes this instrument subject to the terms and conditions of the contract which gave rise to the debt evidenced hereby, any contractual provision or other agreement to the contrary notwithstanding.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale, resultant in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the

Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: October 14, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-16985 Filed 11-19-71;8:47 am]

[Docket No. C-2062]

PART 13—PROHIBITED TRADE PRACTICES

India's Finest, Inc., and Arthur H. Harding

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 36 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, India's Finest, Inc., et al., New York City, Docket No. C-2062, Oct. 13, 1971]

In the Matter of India's Finest, Inc., a Corporation, and Arthur H. Harding, Individually and as an Officer of Said Corporation.

Consent order requiring a New York City importer and seller of Indian-made goods, including ladies' scarves, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents India's Finest, Inc., a corporation, and its officers, and Arthur H. Harding, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce as "commerce", "product", "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since April 1970, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Upon request, respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 13, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-16974 Filed 11-19-71;8:46 am]

[Docket No. C-2061]

PART 13—PROHIBITED TRADE PRACTICES

Popeil Brothers Inc.

Subpart—Advertising falsely or misleadingly: § 13.35 *Condition of goods;* § 13.70 *Fictitious or misleading guarantees;* § 13.75 *Free goods or services;* § 13.175 *Quality of product or service.* Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising:* § 13.2275-70 Television depictions.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Popeil Brothers Inc., Chicago, Ill., Docket No. C-2061, Oct. 13, 1971]

In the Matter of Popeil Brothers Inc., a corporation.

Consent order requiring a Chicago, Ill., seller and distributor of food cutters to cease misrepresenting the type of food its products will cut, making any guarantee for its products by broadcast or otherwise unless it furnishes such guarantee in writing, and misrepresenting that its products are made from surgical grade steel.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Popeil Brothers, Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of any food cutter, or any other similar product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, the type or form of food such product will cut, in a manner which is inconsistent with, negates or contradicts any statements set forth in any instructions accompanying any such product or which limits, qualifies, or detracts from any statement set forth in any such instructions.

2. Representing, directly or by implication, that any such product is subject to a limited warranty or guarantee when any other warranty or guarantee is outstanding for the product: *Provided however,* That such a representation of a limited warranty or guarantee may be made if the basic terms of any other outstanding warranty or guarantee are clearly disclosed in immediate conjunction therewith and, as conspicuously as the limited guarantee or warranty.

3. Representing, directly or indirectly, in any broadcast advertising any guarantee for any such product without making available, to purchasers or prospective purchasers, at the point of purchase or point of prospective purchase, said guarantee in written form completely consistent with the broadcast representations.

4. Representing, directly or by implication, that any such product is made from surgical steel if such steel is not the same grade and quality as that used for surgical cutting instruments.

5. Representing, directly or by implication, that the cutting edge of any such product will never become dull.

6. Representing, directly or by implication, that any such product is being given free or as a gift, or without cost or charge, when such is not the fact.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may effect compliance obligations arising out of the order.

It is further ordered, That respondent shall, within sixty (60) days after service of the order upon it, file with the Commission a report in writing setting forth in detail the manner and form of its compliance with the order to cease and desist.

Issued: October 13, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-16976 Filed 11-19-71;8:46 am]

[Docket No. C-2060]

PART 13—PROHIBITED TRADE PRACTICES

Reuben H. Donnelley Corp.

Subpart—Advertising falsely or misleadingly: § 13.157 *Prize contests;* § 13.160 *Promotional sales plans;* § 13.285 *Value.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1870 *Nature;* § 13.1883 *Prize contests.*[1]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, the Reuben H. Donnelley Corp., New York, N.Y., Docket No. C-2060, Oct. 8, 1971]

In the Matter of the Reuben H. Donnelley Corp., a corporation.

Order requiring a major advertising agency headquartered in New York City handling the promotion of contests games and other promotional devices for a soap and detergent company, the Proctor & Gamble Co., to cease failing to disclose the exact number and nature of the prizes in its contests, the numerical odds of winning a prize, failing to award all the prizes, and failing to disclose the names of the major winners; in announcing the contests the respondent is required to disclose the number and nature of the prizes, the odds of winning each prize, and the geographic area involved; respondent is also required to maintain adequate records and furnish the Federal Trade Commission upon request the names and addresses of all the winners and other details of the contest. With respect to services for the Reader's Digest Association, Inc., paragraphs A(2) and B(3) shall not become effective until December 1, 1971.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Reuben H. Donnelley Corp., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the preparation, advertising, sale, distribution or use of any "sweepstakes," contest, game or any similar promotional device involving chance in commerce, as "commerce" is defined in the Federal Trade Commission Act, cease and desist from:

A. (1) Failing to disclose clearly and conspicuously the exact number of prizes which will be awarded, the exact nature of the prizes, and the approximate retail value of each prize offered.

(2) Failing to disclose clearly and conspicuously the approximate numerical odds of winning each prize which will be awarded; provided, that if such approximate numerical odds are not reasonably capable of calculation, the respondent will disclose clearly and conspicuously the approximate number of recipients to whom the offer is directed if such facts may reasonably be determined.

(3) Failing to award and distribute all prizes of the type and value represented.

(4) Representing directly or by implication that prizes other than cash prizes have been purchased unless they have in fact been purchased at the time that the representation is made.

(5) Failing to furnish upon request to any individual a complete list of the names and states of residence of winners of major prizes, identifying the prize won by each.

(6) Misrepresenting in any manner by any means any element, feature, or aspect of any "sweepstakes", contest, game or any similar promotional device involving chance.

B. Engaging in the preparation, promotion, sale, distribution, or use of any "sweepstakes", contest, game, or similar promotional device involving chance, unless the following are disclosed clearly and conspicuously in the advertising and promotional material concerning said devices which are prepared or disseminated by the respondent:

(1) The total number of prizes to be awarded;

(2) The exact nature of the prizes, their approximate retail value, and the number of each;

(3) The approximate numerical odds of winning each prize which will be awarded; provided, that if such approximate numerical odds are not reasonably capable of calculation, the respondent will disclose clearly and conspicuously the approximate number of recipients to whom the offer is directed if such facts may reasonably be determined;

(4) The geographic area or States in which any such device is used; and

(5) The date the device is opened for participation and the date the device is to end.

It is further ordered, That respondent Reuben H. Donnelley Corp. shall

(1) File with the Commission, within sixty (60) days after service upon it of this order, a report in writing setting forth in detail the manner and form in which it has complied with the provisions of this order;

(2) Maintain for a period of five (5) years after the date on which the "sweepstakes," contest, game or any similar promotional device involving chance is opened for participation adequate records:

(a) Which disclose the facts upon which any of the representations of the type described in the preceding paragraphs of this order are based; and

(b) From which the validity of the representations of the type described in the preceding paragraphs of this order can be determined;

(3) Furnish upon the request of the Federal Trade Commission:

(a) A complete list of the names and addresses of the winners of each prize, and an exact description of the prize, including its retail value;

(b) A list of the winning numbers or symbols, if utilized, for each prize;

(c) The total number of coupons or other entries distributed;

(d) The total number of known participants in the promotion;

(e) The total number of prizes in each category or denomination which were made available; and

(f) The total number of prizes in each category or denomination which were awarded.

It is further ordered, That the respondent shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in its corporate form such as dissolution, assignment or sale resulting in the emergence of successor corporations, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance with this order.

It is further ordered, That with respect to the respondent's services for the Reader's Digest Association, Inc., paragraphs A(2) and B(3) of this order shall not become effective until December 1, 1971; it is also ordered that sixty (60) days thereafter the respondent shall file with the Commission a second report in writing setting forth in detail the manner and form in which it has complied with the terms of those paragraphs with respect to its services for the Reader's Digest Association, Inc.

Issued: October 8, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-16973 Filed 11-19-71;8:46 am]

[1] New.

[Docket No. C-2059]

PART 13—PROHIBITED TRADE PRACTICES

Procter & Gamble Co.

Subpart—Advertising falsely or misleadingly: § 13.157 *Prize contests;* § 13.160 *Promotional sales plans;* § 13.285 *Value.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1870 *Nature;* § 13.1883 *Prize contests.*[1]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C 45) [Cease and desist order, The Procter & Gamble Co, Cincinnati, Ohio, Docket No. C-2059, Oct. 8, 1971]

In the Matter of The Procter & Gamble Co., a Corporation.

Order requiring a major merchandizer of soaps and detergents headquartered in Cincinnati, Ohio, to cease failing to disclose the exact number and nature of the prizes in its contests, the numerical odds of winning a prize, failing to award all the prizes, and failing to disclose the names of the major winners; in announcing the contests the respondent is required to disclose the number and nature of the prizes, the odds of winning each prize, and the geographic area involved; respondent is also required to maintain adequate records and furnish the Federal Trade Commission upon request the names and addresses of all the winners and other details of the contests.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That The Procter & Gamble Co., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the preparation, advertising, sale, distribution or use of any "sweepstakes," contest, game or any similar promotional device involving chance in commerce, as "commerce" is defined in the Federal Trade Commission Act, cease and desist from:

A. (1) Failing to disclose clearly and conspicuously the exact number of prizes which will be awarded, the exact nature of the prizes, and the approximate retail value of each prize offered.

(2) Failing to disclose clearly and conspicuously the approximate numerical odds of winning each prize which will be awarded; provided, that if such approximate numerical odds are not reasonably capable of calculation, the respondent will disclose clearly and conspicuously the approximate number of recipients to whom the offer is directed if such facts may reasonably be determined.

(3) Failing to award and distribute all prizes of the type and value represented.

(4) Representing directly or by implication that prizes other than cash prizes have been purchased unless they have in fact been purchased at the time that the representation is made.

(5) Failing to furnish upon request to any individual a complete list of the names and States of residence of winners of major prizes, identifying the prize won by each.

(6) Misrepresenting in any manner by any means any element, feature, or aspect of any "sweepstakes," contest, game or any similar promotional device involving chance.

B. Engaging in the preparation, promotion, sale, distribution, or use of any "sweepstakes," contest, game, or similar promotional device involving chance, unless the following are disclosed clearly and conspicuously in all advertising and promotional material concerning said devices:

(1) The total number of prizes to be awarded;

(2) The exact nature of the prizes, their approximate retail value, and the number of each;

(3) The approximate numerical odds of winning each prize which will be awarded; provided, that if such approximate numerical odds are not reasonably capable of calculation, the respondent will disclose clearly and conspicuously the approximate number of recipients to whom the offer is directed if such facts may reasonably be determined;

(4) The geographic area or States in which any such device is used; and

(5) The date the device is initiated and the date the device is to end.

It is further ordered, That respondent Procter & Gamble Co. shall

(1) File with the Commission, within sixty (60) days after service upon it of this order, a report in writing setting forth in detail the manner and form in which it has complied with the provisions of this order;

(2) Maintain adequate records

(a) Which disclose the facts upon which any of the representations of the type described in the preceding paragraphs of this order are based, and

(b) From which the validity of the representations of the type described in the preceding paragraphs of this order can be determined;

(3) Furnish upon the request of the Federal Trade Commission:

(a) A complete list of the names and addresses of the winners of each prize, and an exact description of the prize, including its retail value;

(b) A list of the winning numbers or symbols, if utilized, for each prize;

(c) The total number of coupons or other entries distributed;

(d) The total number of participants in the promotion;

(e) The total number of prizes in each category or denomination which were made available; and

(f) The total number of prizes in each category or denomination which were awarded.

It is further ordered, That the respondent shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in its corporate form such as dissolution, assignment or sale resulting in the emergence of successor corporations, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance with this order.

Issued: October 8, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-16375 Filed 11-19-71;8:46 am]

[1] New.

[Docket No. C-2066]

PART 13—PROHIBITED TRADE PRACTICES

Shaw Bros. Co. et al.

Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act: § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Shaw Bros. Co. et al., Chicago, Ill., Docket No. C-2066, Oct. 15, 1971]

In the Matter of Shaw Bros. Co., a Corporation, Arnold Cohn, and Harold Cohn, Individually and as Officers of Said Corporation.

Consent order requiring a Chicago, Ill., firm selling at retail, radios, television sets, phonographs, jewelry, and furniture to cease violating the Truth in Lending Act by failing to use the terms cash price, cash downpayment, trade-in, total downpayment, amount financed, deferred payment, failing to disclose the annual percentage rate, and all other disclosures required by Regulation Z of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Shaw Bros. Co., a corporation, and its officers, and Arnold Cohn and Harold Cohn, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or any advertisement to aid; promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to use the term "cash price" to describe the price of the merchandise or services which are the subject of the transaction, as required by § 226.8(c) (1) of Regulation Z.

2. Failing to use the term "cash downpayment" to describe the amount of any downpayment in money, as required by § 226.8(c) (2) of Regulation Z.

3. Failing to use the term "trade-in" to describe the amount of any downpayment in property, as required by § 226.8 (c) (2) of Regulation Z.

4. Failing to use the term "total downpayment" to describe the sum of the "cash downpayment" and the "trade-in", as required by § 226.8(c) (2) of Regulation Z.

5. Failing to disclose all other charges, individually itemized, which are included in the amount financed but which are not part of the finance charge, as required by § 226.8(c) (4) of Regulation Z.

6. Failing to use the term "amount financed" to describe the amount of credit of which the customer will have the actual use, determined in accordance with § 226.8(c) (7) and (d) (1) of Regulation Z, as required by § 226.8(c) (7) of Regulation Z.

7. Failing to use the term "deferred payment price" to describe the sum of the cash price, the finance charge, and all other charges which are included in the amount financed but which are not included in the finance charge, as required by § 226.8(c) (8) (ii) of Regulation Z.

8. Failing to disclose the annual percentage rate, computed in accordance with § 226.5 of Regulation Z, as required by § 226.8(b) (2) of Regulation Z.

9. Failing to disclose the date the finance charge begins to accrue if different from the date of the transaction, as required by § 226.8(b) (3) of Regulation Z.

10. Failing to disclose the "total of payments", as required by § 226.8(b) (3) of Regulation Z.

11. Failing to use the term "finance charge" in disclosing the right of prepayment and the method of computing any unearned portion of the finance charge in the event of prepayment, as required by § 226.8(b) (7) of Regulation Z.

12. Failing, in any transaction in which respondents retain or acquire a security interest in real property which is used or is expected to be used as the principal residence of the customer, to provide each customer with notice of the right to rescind, in the form and manner specified by § 226.9 (b) and (f) of Regulation Z, prior to consummation of the transaction.

13. Failing, in any consumer credit transaction, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

It is further ordered, That respondents shall forthwith deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the offering for sale and sale of respondents' products or services, and shall secure from each salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in respondents' business, such as assignment or sale resulting in the emergence of a successor business, corporate or otherwise, the creation of subsidiaries, or any other change which may affect compliance obligations arising out of the order.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: October 15, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-16986 Filed 11-19-71;8:47 am]

[Docket No. C-2064]

PART 13—PROHIBITED TRADE PRACTICES

Triangle Sport Headwear Co., Inc., and Harold Kittay

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Triangle Sport Headwear Co., Inc., et al., Hialeah, Fla., Docket No. C-2064, Oct. 13, 1971]

In the Matter of Triangle Sport Headwear Co., Inc., a corporation, and Harold Kittay, individually and as an officer of said corporation.

Consent order requiring a Hialeah, Fla., wholesaler and seller of ladies' wearing apparel, including ladies' scarves, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Triangle Sport Headwear Co., Inc., a corporation, and its officers, and Harold Kittay, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce as "commerce", "product", "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation issued, amended or continued in effect, under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to the complaint, of the flammable nature of said products, and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into compliance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since December 14, 1970, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order:

Issued: October 13, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-16987 Filed 11-19-71;8:47 am]

[Docket No. C-2063]

PART 13—PROHIBITED TRADE PRACTICES

United Lemak Furniture Co., Inc. and Louis Becker

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71-10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 Terms and conditions: 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, United Lemak Furniture Co., et al., Los Angeles, Calif., Docket No. C-2063, Oct. 13, 1971]

In the Matter of United Lemak Furniture Co., Inc., a corporation, and Louis Becker, individually and as an officer of said corporation.

Consent order requiring a Los Angeles, Calif., furniture store to cease violating the Truth in Lending Act by failing to furnish customers with the instrument containing disclosures required by § 226.8 of Regulation Z, failing to disclose the annual percentage rate, and to make all other disclosures required by Regulation Z of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents United Lemak Furniture Co., Inc., a corporation, and Louis Becker, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit", and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to furnish the customer with a duplicate of the instrument containing the disclosures required by § 226.8 or a statement by which the required disclosures are made at the time those disclosures are made, as prescribed by § 226.8(a) of Regulation Z.

2. Failing to disclose the annual percentage rate computed in accordance with the requirements of § 226.5 of Regulation Z accurately to the nearest quarter of one percent, as prescribed by § 226.8 (b) (2) of Regulation Z.

3. Failing in any consumer credit transaction or advertisement to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount prescribed by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in respondents' business such as dissolution, assignment or sale resulting in the emergence of a successor business, corporate or otherwise, the creation of subsidiaries or any other change which may affect compliance obligations arising out of the order.

Issued: October 13, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-16977 Filed 11-19-71;8:46 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER E—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FOOD, DRUG, AND COSMETIC ACT

PART 295—REGULATIONS UNDER THE POISON PREVENTION PACKAGING ACT OF 1970

On July 20, 1971, the Commissioner of Food and Drugs published notice of proposed rule making in the FEDERAL REGISTER (36 F.R. 13335) proposing a testing procedure for special packaging. Fourteen comments were received from interested persons.

Several comments deal with interpretation of the test results in establishing the percent of effectiveness for particular household substances. These are not appropriate to this proposal, and are properly considered with respect to proposals for the particular household substances involved.

Three comments recommend adjusting the age specifications of the children's test group. The Commissioner concludes that inaccessibility to lower age groups and difficulty in stimulating response in such children preclude their use. Use of older children would impose a greater burden on the package than is contemplated by the definition of "special packaging" in the Poison Prevention Packaging Act of 1970. The Commissioner therefore finds that the proposed age specification of between 42 and 51 months, inclusive, will most appropriately serve in establishing a reliable and critical testing panel as recommended by the Industry-FDA Committee.

One comment recommends testing one-half of the children individually and presenting only one test unit to each pair of children in the other half of the group. The Commissioner concludes that, as shown in the preliminary Industry-FDA Committee tests, paired children, each with a test unit, most closely present an effective test situation. In view of a lack of more current data to the contrary, the recommendation made by this comment is not accepted. This same comment further urges that the protocol specify that a child may be used as a test subject only once, to prevent children from gaining expertise at opening special packaging. At present, the rates at which both the younger and older children within the age specification will learn to open special packaging is uncertain. Available data indicates that no significant learning results from exposure to two different types of special packaging. Since this rate of learning is not completely known at present, the Commissioner concludes that the protocol shall limit the use of a child to testing no more than two different special packages.

Two comments request that children should not be instructed that they may use their teeth if they fail to open the special package and fail to use their teeth in the first 5 minutes. This request is rejected since it must be assumed that many children will inevitably use their teeth in the home.

One comment recommends reducing the number of children and adults in test groups. This comment is rejected on the basis that the Industry-FDA Committee tests indicate that the numbers specified in the protocol are necessary to adequately evaluate the special packaging.

Two comments request modification of the adult testing portion of the protocol to provide for oral instructions, a demonstration, and a second period of time for those initially unsuccessful in opening the special packaging. The Commissioner concludes that in the interest of

approximating actual conditions of use in the home, the protocol should be changed as adopted below to clearly show, as was originally intended, that only those printed instructions as will appear on the retail package will be presented in writing to the adult test subjects and that no second trial period will be given. However, the test period is lengthened from 3 to 5 minutes to provide a more reasonable time for the subject to read the instructions and familiarize himself with the package.

One comment recommends the opening and resecuring of each package prior to testing to approximate a used container as may be encountered in the home by a child. This comment has merit and the protocol has been so changed.

One comment notes that § 295.10(b) may be interpreted to mean that the standards for particular household substances will prescribe the specific package design, contrary to section 3(d) of the Act. Since this was not the original intent of the provision, this paragraph has been so clarified.

Two comments object that § 295.10(c) implies that both the producer of special packaging and the producer of household substances should have the same special package tested in accordance with the protocol. This paragraph has been changed to eliminate this possible interpretation.

Three comments stated that the proposed protocol did not provide for the testing of unit packaging, such as strip pack and blister pack. These comments misunderstood the proposal, which was not intended to exclude unit packaging. Section 295.10(a) (2), (3), and (5) have been modified to explicitly provide for appropriate testing of this form of special packaging.

Other comments request that the protocol be initially limited in scope to a number of specific types of special packages and substances; that the protocol provide for retesting or expansion; that mechanical standards be applied to screw type closures; that the protocol consider function of the safety closure with product contact; and that consideration be given to the effect of rough handling, such as bumps and bangs. The protocol is designed to determine the ability of the special packaging being tested to thwart the efforts of children under 5 years of age to open and obtain a toxic or harmful amount of the contents. Mechanical standards are premature since experience with the test protocol is first necessary to establish the physical characteristics of a special packaging. Rough handling, such as bumps and bangs, is anticipated in the children's testing portion of the protocol. The effect of a particular substance on continued functioning of the special packaging under conditions of use will be considered in the individual standards for substances regulated under the Act. With regard to other of these comments, it must be noted that if experience in application of this protocol indicates a need for change, it may be appropriately amended at that time.

Another comment stated that the best procedure should consider the amount of toxic material in the package. The Commissioner recognizes that the amount of a household substance in a package may not be toxic or harmful, and is therefore prepared to grant individual exemptions from specific product standards to cover these situations.

Since the testing procedure regulation is promulgated pursuant to section 5 of the Act which provides for judicial review by a U.S. Court of Appeals within 60 days after standards are prescribed, an effective date of 60 days has been established.

The Commissioner, having evaluated all of the comments and other relevant material, concludes that the proposed regulation, with changes, should be adopted as set forth below. Therefore, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5; 84 Stat. 1670–72; 15 U.S.C. 1471–74) and under authority delegated to the Commissioner (21 CFR 2.120), the following new Part 295 is added to Title 21, Chapter I, Subchapter E:

§ 295.10 Testing procedure for special packaging.

(a) The protocol for testing "special packaging" as defined in section 2(4) of the Poison Prevention Packaging Act of 1970 shall be as follows:

(1) Use 200 children between the ages of 42 and 51 months inclusive, evenly distributed by age and sex, to test the ability of the special packaging to resist opening by children. The even age distribution shall be determined by having 20 children (plus or minus 10 percent) whose nearest age is 42 months, 20 whose nearest age is 43 months, 20 at 44 months, etc., up to and including 20 at 51 months of age. There should be no more than a 10 percent preponderance of either sex in each age group. The children selected should be healthy and normal and with no obvious or overt physical or mental handicap.

(2) The children shall be divided into groups of two each. The testing shall be done in a location that is familiar to the children; for example, their customary nursery school or regular kindergarten. No child shall test more than two special packages, and each package shall be of a different type. For each test the paired children shall receive the same special packaging simultaneously. When more than one special packaging is being tested, they shall be presented to the paired children in random order, and this order shall be recorded. The special packaging, each test unit of which, if appropriate, has previously been opened and properly resecured at least ten times by the tester, shall be given to each of the two children with a request for them to open it. (In the case of unit packaging, it shall be presented exposed so that the individual units are immediately available to the child.) Each child shall be allowed up to 5 minutes to open the special packaging. For those children unable to open the special packaging after the first 5 minutes, a single visual demonstration, without verbal explanation, shall be given by the demonstrator. A second 5 minutes shall then be allowed for opening the special packaging. (In the case of unit packaging, a single visual demonstration, without verbal explanation, will be provided at the end of the first 5 minutes only for those test subjects who have not opened at least one unit package, and a second 5 minutes allowed for all subjects.) If a child fails to use his teeth to open the special packaging during the first 5 minutes, the demonstrator shall instruct him, before the start of the second 5 minute period, that he is permitted to use his teeth if he wishes.

(3) Records shall be kept on the number of children who were and were not able to open the special packaging, with and without demonstration. (In the case of unit packaging, records shall be kept on the number of individual units opened or gained access to by each child.) The percent of child-resistant effectiveness shall be the number of children tested, less the test failures, divided by 2. A test failure shall be any child who opens the special packaging or gains access to its contents. In the case of unit packaging, however, a test failure shall be any child who opens or gains access to the number of individual units which constitute the amount that may produce serious personal injury or serious illness, or a child who opens or gains access to more than 5 individual units, whichever number is lower, during the full 10 minutes of testing. The determination of the amount of a substance that may produce serious personal injury or serious illness shall be based on a 25 pound child. Manufacturers or packagers intending to use unit packaging for a substance requiring special packaging are requested to submit such toxicological date to the Commissioner of Food and Drugs.

(4) One hundred adults, age 18 to 45 years inclusive, with no overt physical or mental handicaps, and 70 percent of whom are female, shall comprise the test panel for normal adults. The adults shall be tested individually, rather than in groups of two or more. The adults shall receive only such printed instructions on how to open and properly resecure the special packaging as will appear on the package as it is delivered to the consumer. Five minutes shall be allowed to complete the opening, and, if appropriate, the resecuring process.

(5) Records shall be kept on the number of adults unable to open and the number of the other adults tested who fail to properly resecure the special packaging. The number of adults who successfully open the special packaging and then properly resecure the special packing (if resecuring is appropriate), is the percent of adult-use effectiveness of the special packaging. In the case of unit packaging, the percent of adult-use effectiveness shall be the number of adults who successfully open a single package.

(b) The standards published as regulations issued for the purpose of designating particular substances as being

subject to the requirements for special packaging under the Poison Prevention Packaging Act of 1970 will stipulate the percent of child-resistant effectiveness and adult-use effectiveness required for each and, where appropriate, will include any other conditions deemed necessary and provided for in that Act.

(c) It is recommended that manufacturers of special packaging, or producers of substances subject to regulations issued pursuant to said Act, submit to the Commissioner of Food and Drugs summaries of data resulting from tests conducted in accordance with this protocol.

Effective date. This order shall become effective 60 days after its date of publication in the FEDERAL REGISTER.

(Secs. 2(4), 3, 5, 84 Stat. 1670–72; 15 U.S.C. 1471–74)

Dated: November 18, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-17063 Filed 11-19-71;8:52 am]

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

PART 308—SCHEDULES OF CONTROLLED SUBSTANCES

Phenmetrazine and Its Salts and Methylphenidate; Amphetamine and Methamphetamine Combination Products

A final order was published in the FEDERAL REGISTER of October 28, 1971 (36 F.R. 20686) rescheduling phenmetrazine and its salts and methylphenidate from schedule III to schedule II. Paragraph 3 of that order should read as follows: "3. Section 308.13(b) or Title 21 of the Code of Federal Regulations be revised to read:"

A final order was published in the FEDERAL REGISTER of November 6, 1971 (36 F.R. 21336) removing from the excepted category amphetamine and methamphetamine combination products. The requirements imposed by this order as they pertain to records and inventories and security shall become effective as follows, rather than on the dates shown in the order of November 6, 1971 (36 F.R. 21336).

2. *Records and inventories.* Every registrant who is required to keep records under § 304.03 of Title 21 of the Code of Federal Regulations, and who is manufacturing, distributing, or dispensing any of the above formerly excepted stimulant compounds, shall take an inventory of all stocks on hand on January 1, 1972, and thereafter shall keep all required records regarding these compounds.

5. *Security.* All of the above formerly excepted stimulant compounds shall be manufactured, stored, distributed and shipped in compliance with §§ 301.71–76, of Title 21 of the Code of Federal Regulations on and after March 1, 1972.

These changes are effective on the date of their publication in the FEDERAL REGISTER (11–20–71).

Dated: November 16, 1971.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.71-17010 Filed 11-19-71;8:51 am]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.648]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Nonimmigrant Documentary Waivers

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to enable nationals of Albania, People's Republic of China, and Mongolian People's Republic to transit without a visa through the United States under certain circumstances.

Subparagraph (1) of paragraph (e) of § 41.6 is amended to read as follows:

§ 41.6 Nonimmigrants not required to present passports, visas, or border crossing identification cards.

* * * * *

(e) *Aliens in immediate transit*—(1) *Aliens in bonded transit.* A passport and visa are not required of an alien who is being transported in immediate and continuous transit through the United States in accordance with the terms of an agreement entered into between the transportation line and the Immigration and Naturalization Service under the provisions of section 238(d) of the Act on Form I–426 to insure such immediate and continuous transit through and departure from, the United States en route to a specifically designated foreign country, provided that such alien is in possession of a travel document or documents establishing his identity and nationality and ability to enter some country other than the United States. This waiver of visa and passport requirements is not available to an alien who is a citizen of Cuba, North Korea ("Democratic Peoples' Republic of Korea"), North Viet-Nam ("Democratic Republic of Viet-Nam"), or the Soviet Zone of Germany ("German Democratic Republic"), and is a resident of one of the said countries, and is, on a basis of reciprocity, available to a national of Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Mongolian People's Republic, People's Republic of China, Poland, Romania, or the Union of Soviet Socialist Republics resident in one of said countries, only if he is transiting the United States by aircraft of a transportation line signatory to an agreement with the Immigration and Naturalization Service on Form I–426 on a direct through flight which will depart directly to a foreign place from the port of arrival.

* * * * *

Effective date. The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER (11–20–71).

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

For the Secretary of State.

WILLIAM N. DALE,
Acting Administrator, Bureau of Security and Consular Affairs, Department of State.

NOVEMBER 8, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization, Immigration and Naturalization Service, Department of Justice.

NOVEMBER 9, 1971.

[FR Doc.71-17019 Filed 11-19-71;8:50 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 245—PLAN FOR THE SECURITY CONTROL OF AIR TRAFFIC AND AIR NAVIGATION AIDS (SHORT TITLE: SCATANA)

The following amendment to Part 245 has been approved by the Deputy Secretary of Defense, the Secretary of Transportation, and the Defense Commissioner, Federal Communications Commission:

Sec.

AUTHORITY: The provisions of this Part 245 issued under Title 5, U.S.C., section 301, and Title 5, U.S.C., section 552.

§ 245.1 Foreword.

(a) This part is promulgated in furtherance of the Federal Aviation Act of 1958, the Communications Act of 1934, as amended, and Executive Order 11490 and supersedes: Plan for the security Control of Air Traffic and Air Navigation Aids, September 1968.

(b) This part defines the responsibilities of the Administrator, Federal Aviation Administration, and the appropriate

military authorities for the security control of civil and military air traffic and Federal air navigation aids and defines the responsibility of the Federal Communications Commission for the security control of non-Federal civil air navigation aids.

(c) For the purposes of clarity, the language of this part refers to the Commander-in-Chief, North American Air Defense Command (CINCNORAD) and his region commanders as appropriate military authority within the NORAD area of responsibility.

(d) Appropriate military authority outside the NORAD area of responsibility refers to commanders of unified and specified commands established by the Secretary of Defense for their respective areas of responsibility.

(e) The restrictions of this part may be imposed in two situations that concern national security. In the first, Defense Emergency/Air Defense Emergency has been declared or is imminent. Execution of the plan will normally be subsequent to declaration of Defense Emergency/Air Defense Emergency. However, a NORAD region commander may impose any or all of the restrictions contained in the plan prior to a declaration of Defense Emergency/Air Defense Emergency when his region, or an adjacent region, is under attack.

(f) In the second situation, emergency conditions may exist which threaten national security but do not warrant the declaration of Defense Emergency/Air Defense Emergency. Under this situation, Emergency SCAT rules may be imposed by CINCNORAD and/or NORAD region commanders in affected areas. Normally, the Administrator, FAA and the Defense Commissioner, FCC will be notified if Emergency SCAT is to be implemented.

(g) Prior to or subsequent to the declaration of a Defense Emergency or an Air Defense Emergency, there may be a requirement to disperse civil and military aircraft for their protection. The FAA responsibility for this is contained in current Executive orders. Appropriate military documents contain responsibility for the military services. If such dispersal plans are implemented when any part of the SCATANA plan has been placed in effect, operations will be in accordance with the requirements of that portion of the SCATANA plan which is in effect. If any part of the SCATANA plan is ordered while dispersal is in progress, dispersal operations will be revised as required to comply with SCATANA.

(h) This part applies to all United States areas over which the FAA has air traffic control jurisdiction. For those areas outside CINCNORAD's area of responsibility within which the FAA exercises air traffic control jurisdiction, those responsibilities, authorities, and actions assigned in this plan to CINCNORAD and his region commanders apply to the commander, or his designated representative, of the unified-specified command exercising operational control over the area.

(i) Appropriate unified-specified commands will prepare annexes, as required, to support this plan for their areas of responsibility.

§ 245.2 Explanation of terms.

(a) For the purpose of this part and supporting documents, the following explanations apply:

(1) *Air defense emergency.* An emergency condition which exits when attack upon the continental United States, Alaska, Canada, or U.S. installations in Greenland by hostile aircraft or missiles is considered probable, is imminent, or is taking place and is declared by either CINCNORAD or CINCONAD.

(2) *Air defense identification zone.* Airspace of defined dimensions within which the ready identification, location, and control of aircraft is required.

(3) *Appropriate military authorities.* Within the NORAD area of responsibility—CINCNORAD and NORAD region commanders. Outside the NORAD area of responsibility—the Commander-in-Chief, or his designated representative, of unified or specified commands for U.S. areas located within their area of responsibility.

(4) *Defense area.* Any airspace of the United States (other than that designated as an ADIZ) in which the control of aircraft is required for national security.

(5) *Defense emergency.* An emergency condition which exists when:

(i) A major attack is made upon U.S. forces overseas, or allied forces in any area, and is confirmed either by the commander of a unified or specified command or higher authority.

(ii) An overt attack of any type is made upon the United States and is confirmed by the commander of a unified or specified command or higher authority.

(6) *Dispersal.* The deployment of aircraft to predesignated dispersal airfields for the purpose of enhancing their survivability.

(7) *Diversion.* The intentional change of a flight from its intended destination for operational or tactical reasons.

(8) *Emergency SCAT (ESCAT) rules.* Emergency rules for the security control of air traffic prior to the declaration of Air Defense Emergency. Such rules require all aircraft to file IFR or DVFR flight plans and comply with special security instructions which may be necessary to identify, locate, and insure immediate control of all air traffic. Emergency SCAT may include directing and rerouting and restricting of air traffic.

(9) *Federal air navigation aids.* VOR, VORTAC, TACAN, and LORAN stations owned and operated by an agency of the Federal Government such as the FAA, Military Services and U.S. Coast Guard.

(10) *Five-minute control time.* The maximum time allowed to start and/or discontinue transmission from an air navigation aid.

(11) *FAA region.* A geographical subdivision of the area for which FAA is responsible.

(12) *Implement SCATANA.* Terminology used to notify FAA and appropriate aeronautical facilities that the NORAD region commander is grounding and/or diverting air traffic, as required, consistent with his authority under this plan and is directing the control of air navigation aids.

(13) *Non-Federal air navigation aids.* VOR, VORTAC, and TACAN stations licensed by the FCC.

(14) *Nontactical air traffic.* Civil or military flights other than tactical air traffic.

(15) *North American Air Defense Command (NORAD).* An integrated United States-Canadian command. NORAD includes, as component commands, the U.S. Air Force Aerospace Defense Command, U.S. Army Air Defense Command, and the Canadian Forces Air Defense Command.

(16) *NORAD region.* A geographical subdivision of the area for which NORAD is responsible.

(17) *Rerouting.* The intended deviation of a flight from its original course without changing its destination.

(18) *Security Control of Air Traffic (SCAT).* Rules and procedures to effect, when necessary, the ready identification, location, and control of civil and military air traffic in the interest of national security.

(19) *SCATANA.* The short title for the joint DOD/DOT/FCC plan for the Security Control of Air Traffic and Air Navigation Aids.

(20) *Security control authorization.* Military authorization for an aircraft to proceed in accordance with specified conditions when Emergency SCAT is in effect.

(21) *Tactical air traffic.* Military flights actually engaged in operational missions against the enemy, flights engaged in immediate deployment for a combat mission, and preplanned combat, and logistical support flights contained in Emergency War Plans.

(22) *United States.* The several States, the District of Columbia, the Commonwealth of Puerto Rico, and the several territories and possessions of the United States (including areas of air, land, or water administered by the United States under international agreement), including the territorial waters and the overlying airspace thereof.

§ 245.3 The plan.

(a) *Purpose.* The purpose of this plan is:

(1) To establish responsibilities, procedures, and general instructions for the security control of civil and military air traffic and air navigation aids during a Defense Emergency/Air Defense Emergency which will provide most effective use of airspace by aircraft of military and civil agencies, and

(2) To establish responsibilities, procedures, and general instructions for the security control of civil and military air traffic which will provide most effective use of airspace in the affected area(s) when there is a serious threat to hemispheric and national security.

(b) *Authority.* (1) Joint Chiefs of Staff directives which outline NORAD responsibilities for the development of plans and policies in concert with the FAA for the establishment of a system for identification and security control of air traffic.

(2) Federal Aviation Act of 1958.

(3) Communications Act of 1934, as amended, and Executive Order 11490.

(4) The National Security Act of 1947, as amended.

(c) *Scope.* This plan prescribes the joint action to be taken by appropriate military authorities, FAA, and the FCC in the interest of national security.

(1) To effect security control of civil and military aircraft entering, departing, or moving within the U.S. areas and coastal approaches thereto, and

(2) To effect control of accurate air navigation systems defined as follows: VOR, VORTAC, TACAN, and LORAN.

(d) *General provisions.* (1) In carrying out the air defense mission, NORAD region commanders will, based on the requirements of the existing military situation, and in consonance with this plan, direct the extent of security control of air traffic and air navigation aids. Such directions will be issued to appropriate FAA ARTCC's for implementation. Since NORAD region boundaries are not congruent with CONUS ARTCC area boundaries, considerable overlap exists between these boundaries. To insure the compatibility/consolidation of required actions and eliminate the possibility of confusion which could result from two or more NORAD regions issuing instructions to one ARTCC, agreements will be developed between NORAD region commands and appropriate FAA agencies designating one specific NORAD region commander responsibility for using SCATANA instructions to each CONUS domestic ARTCC, to include ARTCC's which may not be located within any NORAD region's assigned area of responsibility. Unless operational requirements dictate otherwise, directed SCATANA actions will be consistent throughout an individual FAA ARTCC area.

(2). Active air defense interceptor missions, active antisubmarine warfare missions, and launch of the SAC alert force are military operations vital to national defense. These operations are to be given priority over all other military and civil aircraft by procedural handling by the Air Traffic Control (ATC) systems for the particular operation as specified in coordinated agreements or authorizations.

(3) Under emergency SCAT rules, the NORAD region commander may require a security control authorization for civil and military aircraft prior to takeoff. Such security control authorization is different from and not to be confused with an operational or air traffic control clearance; however, receipt of an air traffic control clearance constitutes issuance of a security control authorization.

(4) Minimum interference to normal air traffic will be effected consistent with the requirements for operation of the air defense system.

(5) The NORAD region commanders, in collaboration with the FAA regional directors will supplement this plan, as required, with agreements to permit maximum allowable operations of essential military and civil air traffic within the NORAD area. In developing these agreements, they will take into consideration the special requirements of organized civil defense and disaster relief flights, agricultural and forest fire flights, border patrol flight operations, and other essential civil air operations to the end that maximum use of these flights consistent with air defense requirements, will be made.

(e) *Responsibilities.* (1) The Commander-in-Chief, NORAD, will:

(i) Establish the military requirements for the Security Control of Air Traffic and Air Navigation Aids.

(ii) Coordinate with the Administrator, FAA, and the Defense Commissioner, FCC, as appropriate, regarding the establishment of procedures for implementation.

(2) The Administrator, FAA, will:

(i) Promulgate the necessary Federal Aviation Regulations, including special regulations to implement this plan.

(ii) Coordinate with appropriate military authorities prior to the establishment of procedures for this plan.

(iii) Maintain liaison with appropriate NORAD region commanders through appropriate FAA offices.

(iv) Administer this plan in accordance with requirements established by the Commander-in-Chief, North American Air Defense Command.

(v) Collaborate with the FCC in establishing procedures for control of non-Federal Air Navigation Aids as defined in this plan.

(3) Federal Communications Commission will:

(i) Engage in rule making or other actions as appropriate in support of this plan.

(ii) Collaborate with the FAA in establishing procedures for control of non-Federal Air Navigation Aids as defined in this plan.

(4) The NORAD region commanders will:

(i) Direct the control of VOR, VORTAC, TACAN, and LORAN Air Navigation Aids in their areas, as required.

(ii) Issue security control instructions to appropriate FAA region/ARTCC as necessary to insure performance of the air defense mission.

(iii) Maintain liaison with appropriate FAA regional directors and FCC regional liaison officers.

(iv) Conduct tests of this plan in coordination with the FAA and FCC.

(v) Collaborate with the FAA regional director and FCC regional liaison officer in making supplemental agreements to this plan.

(5) The FAA regional directors will:

(i) Assure FAA participation with the NORAD region commanders in the testing of this plan in the NORAD region areas.

(ii) Insure dissemination of information and instructions concerning this plan within their areas of responsibility to civil and military aeronautical facilities and civil pilots.

(iii) Place in effect procedures outlined in this plan in accordance with requirements established by the NORAD region commanders.

(iv) Assist the NORAD region commanders in making supplemental agreements to this plan as may be required.

(6) The FCC regional liaison officers will:

(i) Maintain liaison with the NORAD region commanders and FAA regional directors with regard to participation of FCC licensed aeronautical navigational aids in this plan.

(ii) Disseminate information and instructions concerning this plan to FCC licensed navigational aids affected by this plan.

(iii) Assist the NORAD region commanders in making such supplemental agreements to this plan as may be required.

(f) *Threat actions.* Under certain conditions, an emergency situation may develop which does not meet the criteria for the declaration of a defense emergency/air defense emergency; but in the interest of hemispheric and national security requires identification and control of all aircraft operating in specified area(s) within the defense area. Outside the defense area, all known aircraft operating in specified areas will be advised that air defense operations have been initiated and they will be offered air traffic control service to assist in avoiding or withdrawing from the specified areas. In order to adequately and properly provide for the security of the United States and for the necessary protection, identification, and control of aircraft during such situations, emergency SCAT rules may be imposed by CINCNORAD/NORAD region commanders in affected areas. Except when time is vital to the national interest, the Administrator, FAA and the Defense Commissioner, FCC will be notified if emergency SCAT is to be implemented. Implementing and terminating procedures are:

(1) The NORAD region commander involved will:

(i) Direct the appropriate FAA Air Route Traffic Control Center (ARTCC) to apply emergency SCAT rules.

(ii) Specifically define the affected area(s).

(iii) Specify requirements and restrictions as necessary for flights entering, departing, or operating within the affected area(s).

(iv) Direct the appropriate ARTCC to relax or terminate the restrictions as the tactical situation allows.

(2) The FAA ARTCC will, when directed to, apply emergency SCAT rules:

(i) Impose the restrictions on air traffic as required by the NORAD region commander and/or the Administrator, FAA.

(ii) Disseminate the appropriate instructions and restrictions received from the NORAD region to air traffic, civil and military air traffic control facilities, flight service stations, and other appropriate aeronautical facilities.

(3) Civil and military air traffic control facilities, flight service stations, and other appropriate aeronautical facilities will take action to disseminate instructions and restrictions to air traffic as directed by the appropriate ARTCC.

(g) *Air Defense Emergency actions.* In an air defense emergency, the following actions will be taken:

(1) The NORAD region commander will:

(i) Notify the FAA ARTCC's that an air defense emergency has been declared and direct "Implement SCATANA".

(ii) Specify the requirements and restrictions, including as necessary:

(*a*) Routing restrictions on flights entering or operating within appropriate portions of the NORAD area.

(*b*) Limitations on the volume of air traffic within appropriate portions of the NORAD area, using the Wartime Air Traffic Priorities List. (See § 245.9.)

(*c*) Altitude limitations on operations within appropriate portions of the NORAD area.

(*d*) Special instructions concerning the control of accurate air navigation aids to deny their use to the enemy and to permit aircraft dispersal, diversion, or recovery.

(*e*) Confirmation or modification of previous instructions which may have been passed under emergency SCAT actions.

(*f*) Any other special instructions required by the military situation.

(iii) Reduce or remove restrictions to the movement of air traffic and operation of air navigation aids as soon as the tactical situation allows. This action will normally be taken when an attack phase is considered over.

(2) FAA Air Route Traffic Control Centers will:

(i) When "SCATANA" is implemented:

(*a*) Notify all VFR traffic that SCATANA has been implemented and to land at the nearest suitable airport and file an IFR/DVFR flight plan.

(*b*) Direct the landing, grounding, diversion, or dispersal of military and civil air traffic and the control of air navigation aids as specified by the NORAD region commander. Landing, diversion, or dispersal will be to airports outside the metropolitan areas or suspected target complexes whenever possible and will be accomplished as follows:

(*1*) IFR flights—by specific security control instructions to each aircraft, or leader of a formation flight, over air/ground radio.

(2) VFR flights—by radio broadcast of security control instructions over air/ground radio.

(*c*) As directed by the NORAD region commander, direct the control of VOR, VORTAC, TACAN and LORAN as follows:

(*1*) Shut down the above navigation aids in accordance with the time(s) specified in NORAD region/FAA region supplemental agreements which shall permit time to land/disperse airborne aircraft. Supplemental agreements shall provide for the extension of such time(s) when air traffic situation dictates.

(2) Aids which require more than 5 minutes control time shall be shut down as soon as possible, except when directed otherwise by the NORAD region commander and/or unless such aids are essential for the regulation and control of existing air traffic.

(3) Direct the control of air navigational aids to insure that required aids, as indicated in flight plans, will be available for authorized aircraft flights.

(ii) When directed to reduce or remove SCATANA restrictions, authorized resumption of air traffic and operation of air navigation aids as specified by the NORAD region commander.

(3) Civil and military air traffic control facilities, flight service stations, and other appropriate aeronautical facilities shall:

(i) Maintain the current SCATANA action form for that facility at appropriate operating positions.

(ii) When SCATANA is implemented or terminated, take the actions indicated on the facility's SCATANA action form.

(iii) Maintain current information on the status of restrictions imposed on air traffic.

(iv) Approve or disapprove filed flight plans in accordance with current instructions received from the ARTCC(s).

(v) Forward flight plans and approval requests to the ARTCC(s) as required.

(vi) Disseminate instructions and restrictions to air traffic as directed by the ARTCC(s).

(4) Aircraft operators are expected to comply with security control instructions as follows:

(i) IFR flights—comply with instructions received from the appropriate aeronautical facility.

(ii) VFR flights—land at nearest suitable airport when so directed.

(iii) Aircraft on the ground—file an IFR/DVFR flight plan with an appropriate FAA facility and receive approval prior to departure.

(h) *Testing procedures.* (1) To insure that implementing actions can be taken expeditiously, SCATANA tests shall be conducted periodically in accordance with the procedures outlined in § 245.4.

(2) Federal civil and military aeronautical facilities will participate in such tests.

(3) Non-Federal civil aeronautical facilities will be requested to participate in SCATANA tests.

(i) *Supplements.* This plan will be supplemented as required by NORAD regions to cover the following subjects:

(1) Procedures for movement of civil and military flights as provided for in paragraph (d)(5) of this section when Emergency SCAT or SCATANA have been implemented.

(2) Tactical air movement plans of military units planning to operate within the NORAD region area of responsibility.

(j) *Communications.* Direct communications are authorized between appropriate agencies and units for the purpose of coordination and implementation of the procedures outlined herein.

(k) *Review—revision.* All concerned agencies are encouraged to continuously review this plan for adequacy and currency. Hq NORAD, acting as executive agent for DOD, will process and distribute administrative and organizational changes as they occur. However, this plan shall be jointly reviewed at least once every 2 years by the FAA, FCC, and NORAD for the purpose of determining the need for reissuance based on substantive changes and/or number of administrative and organizational changes made since the issuance of the previous plan. Recommended changes should be forwarded to:

Headquarters, North American Air Defense Command, Ent Air Force Base, Colo. 80912.

§ 245.4 SCATANA testing procedures.

(a) To insure that SCATANA actions can be taken expeditiously, SCATANA tests will be conducted as follows:

(1) SCATANA tests will be conducted in connection with Headquarters NORAD or NORAD region large-scale simulated exercises. Additional tests may be conducted by individual NORAD regions when test objectives are local in nature. SCATANA tests will include dissemination of specific simulated security control instructions to each ARTCC. These simulated control instructions will not be passed beyond the ARTCC; however, notification of the test will be relayed to appropriate aeronautical facilities. SCATANA tests will not be conducted more than 12 times a year in any one particular area; however, the interval between tests shall not exceed 60 days. Where the number of tests conducted in an area results in excessive test participation by aeronautical facilities, ARTCCs are authorized to simulate dissemination of test messages. When such simulation is effected, it should be alternated in different areas.

(2) All Federal facilities responsible for SCATANA actions will participate in SCATANA tests, except where such participation will involve the safety of aircraft. Non-Federal civil aeronautical facilities will be requested to participate.

(3) Participation and reporting will be as prescribed in § 245.5.

(4) NORAD region control centers will record SCATANA test actions and affix copies of the security control instructions to the format illustrated in § 245.5.

(5) An analytical report of each test will be prepared by the FAA NORAD region defense liaison officer, and a copy of this report will be submitted to the appropriate NORAD region commander.

(b) During SCATANA tests, all actions shall be simulated.

(1) Aircraft shall not be grounded or diverted.

(2) Air navigation aids shall not be shut down.

(3) Test messages shall not be transmitted over air/ground/air radio frequencies.

(4) Radio communications shall not be interrupted.

§ 245.5 SCATANA test—action log.

SCATANA TEST—ACTION LOG

Test Actions to ARTCC	ARTCC
Initiate SCATANA Test: "This is ____ NR, SCATANA Test Instructions." "Initiate SCATANA Test ____ NR, ____" (Special Instructions)	____ Z ____ Z ____ Z ____ Z ____ Z ____ Z ____ Z ____ Z
Authentication:	
Terminate SCATANA Test: "This is ____ NR, SCATANA Test Instructions" "Terminate SCATANA Test ____ NR."	____ Z ____ Z ____ Z ____ Z ____ Z ____ Z ____ Z ____ Z
Authentication:	
Restore Air Navigation Aids: "This is ____ NR, Simulate restoring ____, ____" (Specific Navigation Aids)	____ Z ____ Z ____ Z ____ Z ____ Z ____ Z ____ Z ____ Z
Authentication:	

ARTCCs reporting areas simulated clear of all known nontactical air traffic

ARTCC	Time	Remarks

§ 245.6 Movement of tactical air traffic.

(a) *Purpose.* To establish the coordination procedures necessary to fulfill air defense and air traffic control requirements for the movement of tactical air traffic.

(b) *General instructions*—(1) *Coordination.* CINCNORAD has been delegated the authority to resolve priority conflicts in the movement of tactical air traffic during an Air Defense Emergency to prevent saturation of the air defense system. To minimize restrictions to movement of tactical air traffic, it is imperative that each responsible military commander coordinate, during development, the air traffic movement section of his Emergency War Plans (including dispersal and evacuation) with the appropriate NORAD region commander(s). For those tactical operations which involve more than one NORAD region, coordination will be effected with each region in which operations will be conducted. The NORAD region commander will effect necessary coordination on these tactical operations with the FAA through the NORAD region air defense liaison officer (ADLO).

(2) *Preparation.* Subsequent to the coordination noted in subparagraph (1) of this paragraph, the responsible military command will provide the appropriate NORAD region(s) with an extract of the air traffic movements section of their plans. This extract will be in accordance with the format contained in § 245.7. Extracts of tactical air movements plans will become NORAD region supplements to the SCATANA Plan and will be distributed to appropriate military agencies, FAA regions and ARTCCs.

(3) *Exception.* The provisions of subparagraphs (1) and (2) of this paragraph do not apply to Strategic Air Command Emergency War Orders (EWOs) for which special coordination has been effected between SAC, NORAD, and FAA agencies.

(4) *Application.* (i) The instructions and information contained herein pertain to the movement of all tactical air traffic except fighter-interceptor aircraft in the performance of active air defense missions.

(ii) Distribution is made to units operating tactical aircraft with the understanding that applicable portions of this part and appendices will be incorporated in the appropriate Emergency War Plans as SCATANA requirements.

§ 245.7 Tactical air movements plan.

(a) Unit designation.
(b) Home base.
(c) Type aircraft.
(d) Routes and altitudes.
(e) Separation minimum.
(f) Flight plan and ARTCC clearance requirements.
(g) Navigation aid requirements.
(h) Priority number.
(i) Control time if known (related to the Day and Hour that the plan will be executed—E Day+Hour).

§ 245.8 Procedure for movement of air traffic.

(a) *General.* (1) The Wartime Air Traffic Priority List for Movement of Aircraft will be the primary instrument used by NORAD region commanders to control the volume of air traffic operating within their areas of responsibility. To preclude the immediate grounding of high priority tactical air traffic airborne at the time Defense Emergency/Air Defense Emergency is declared, pilots of tactical aircraft shall provide the appropriate Wartime Air Traffic Priority List No. for their flights as part of their revised air filed flight plan.

(2) The Wartime Air Traffic Priority List No. will be posted on ARTCC flight progress strips and shall be passed from one ARTCC to the next, and to the appropriate air defense control centers.

(b) *Diversion/delay.* (1) Tactical air traffic assigned a Wartime Air Traffic Priority List No. of 1 or 2 will not be delayed, diverted, rerouted, or landed by NORAD region commanders. However, NORAD region commanders may recommend that this traffic be rerouted to avoid battle or battle threatened areas.

(2) Air Traffic assigned a wartime air traffic priority list number other than one or two may be delayed, diverted, rerouted, or landed by the NORAD region commander to prevent degradation of the air defense system.

(3) Aircraft being "recovered" shall be expedited to home or alternate base, and "search and rescue" aircraft expedited on their missions; but such aircraft may be diverted to avoid battle areas or take off may be delayed to prevent saturation of airspace.

(c) *Movement procedures.* (1) Tactical air traffic will file IFR flight plans and comply with IFR procedures regardless of weather. The appropriate air traffic priority list number will be entered in the remarks section of the Aircraft Clearance Form DD 175.[1] Route of flight will be defined in the "Route" section of the clearance form by listing the military necessity air navigation aids required. Departure and destination aids required will be listed as the first and last aids respectively.

(2) Unless specifically covered in separate procedures, mass military operations should be planned and conducted as follows: A single clearance form will be filed for formation type operations involving more than one aircraft when planned intervals are not more than 5 minutes between aircraft. In this case, the aircraft call sign entered on the clearance form will be the formation leader (first aircraft). The call signs of the other aircraft involved will be listed in the remarks section. The departure report will specify the call sign of the first and last aircraft, and only these aircraft or their replacements will make required position reports.

(3) Compliance with approved flight plan and position report requirements is of utmost importance for identification. Aircraft aborting or deviating from an approved flight plan will air-file a revised flight plan as soon as the necessity for such deviation is evident. Unauthorized deviations may preclude identification and result in engagement of aircraft by defensive weapons.

(4) The volume of air traffic that may be operating during an Air Defense Emergency or when SCATANA has been implemented, could create excessive airspace congestion if standard separation is applied. Therefore, responsible military commanders should plan minimum time and altitude separation for tactical air traffic movements. Reduced separation standards to be used between aircraft within the unit will be specified in the "Remarks" section of the clearance form.

[1] Filed as part of original. Copies available from North American Air Defense Command, Ent Air Force Base, Colo. 80912.

(5) SAC EWO routings for wartime priorities one and two missions which have been coordinated with NORAD and FAA fulfill the flight plan requirements established in subparagraphs (1) and (2) of this paragraph.

§ 245.9 Wartime air traffic priority list for the movement of aircraft.

(a) *Purpose.* To establish a priority system for the movement of aircraft during general war conditions, and to provide policy and guidance for the practical application thereof in assuring optimum use of airspace to accomplish national objectives.

(b) *Policy.* (1) The priority listings established herein are designed to facilitate the handling of airspace user requirements for movement of aircraft during general war. The applicable priority shall be solely dependent on the nature of the airspace user requirements.

(2) During periods other than general war, aircraft movements are handled as follows:

(i) Involvement in limited war or execution of contingency plans, to include JCS directed actions, immediately makes successful completion of such action a primary national objective. Therefore, aircraft movements in support of these actions shall be afforded expeditious handling by the Air Traffic Control (ATC) system commensurate with the degree or urgency stated by the JCS to the FAA. When directing the execution of a contingency/limited war plan, or other JCS directed operation which is in pursuit of primary national objectives, the JCS shall so advise the Federal Aviation Administration (or appropriate Canadian authority if Canadian airspace is involved), requesting that aircraft operating in accordance with such plans be given preferential handling over all air traffic except active air defense missions and launch of the strategic alert force and supporting aircraft. Should contingency, limited warfare, or other JCS directed plans be executed concurrently by more than one operational commander, the JCS shall state to the Federal Aviation Administration (or appropriate Canadian authority when Canadian airspace is involved), and the military commanders concerned, the relative urgency of each operation and will resolve conflicts that may arise therefrom.

(ii) Assignment of reserved airspace to accommodate military air operations which, because of their objectives, cannot be conducted in accordance with routine ATC procedures will be based upon an order of precedence for the purpose of resolving mission conflicts in planning altitude reservations. This order of precedence is published in appropriate Joint Service regulations and FAA documents.

(c) *General.* (1) Priorities for air traffic clearances required under the SCATANA plan are not to be confused with civil priorities assigned to civil air carrier aircraft under the War Air Service Program (WASP) priorities system, or to general aviation civil aircraft under the State and Regional Defense Airlift (SARDA) plan. WASP and SARDA priorities are designed to provide for controlled use of civil aircraft capability and capacity, and they have secondary significance when the wartime air traffic priority list for the movement of aircraft is in effect.

(2) When the wartime air traffic priority system is in effect, the priorities shall apply to all aircraft. The originator of a request for aircraft movement shall be responsible for determining and verifying the appropriate priority in accordance with the listing contained in paragraph (d) (1) through (10) of this section. The individual filing the flight plan will be responsible for including the priority number as determined by the originator of the request.

(3) During general war conditions, it is probable that situations would develop that could not be applied to any traffic priority sequence. Aircraft emergencies and inbound international flights which have reached the point of no return are examples of such inflight situations which may arise. These incidents must be treated individually through coordination between ATC and appropriate military agencies in consideration of the urgency of the inflight situation and existing tactical military conditions.

(d) *Wartime air traffic priority list for movement of aircraft.* This priority list will be effective only when directed by the Joint Chiefs of Staff in a situation of imminent or actual general war conditions, or in the event of a declaration of Defense Emergency/Air Defense Emergency, or in the event of implementation of SCATANA in an area under attack. Priorities shall take precedence in the order listed and subdivisions within priorities are equal.

(1) *Priority one.* (i) Aircraft engaged in active continental defense missions. This includes interceptors, antisubmarine aircraft, and airborne early warning and control aircraft.

(ii) Retaliatory aircraft, including their direct support aircraft, executing Emergency War Orders (EWO).

(iii) Airborne command elements which provide backup to command and control systems for the combat forces.

(iv) The President of the United States and Prime Minister of Canada and respective cabinet members essential to national security.

(2) *Priority two.* Forces being deployed for or in direct and immediate support of combat operations against the enemy. SAC aircraft in direct and immediate support of EWO not included in priority one.

(3) *Priority three.* (i) Forces being deployed in support of combat operations against the enemy.

(ii) Continental Air Reconnaissance for Damage Assessment (CARDA) missions for the support of immediate combat operations.

(4) *Priority four.* Dispersal of tactical military aircraft, civil aircraft assigned to the War Air Service Program (WASP), other selected civil air carrier aircraft as designated by FAA and civil air carrier aircraft assigned to the Civil Reserve Air Fleet (CRAF), for their protection.

(5) *Priority five.* (i) The air transport of military commanders, their representatives, and DOD sponsored key civilian personnel which is of the utmost importance to national security, or which will have an immediate effect upon combat operations of the Armed Forces.

(ii) Dispersal of nontactical military aircraft for their protection.

(6) *Priority six.* (i) Flight operations in accordance with approved Federal and State emergency plans (WASP and SARDA). Air carrier flights will operate under the provisions of CAB Air Transport Mobilization Order ATM-1, "Route Authorizations and Operations," and the War Air Service Program (WASP).

(ii) Other essential CARDA missions not included in subparagraph (3) (ii) of this paragraph.

(7) *Priority seven.* (i) The movement of aircraft, personnel, equipment, and supplies for military forces not actually engaged in combat operations against the enemy.

(ii) Military administrative flights of vital necessity to the prosecution of the war effort, but not bearing on combat operations against the enemy, including transportation of personnel, equipment, material, and supplies.

(8) *Priority eight.* Aircraft carrier and other combat aircrew replacement training.

(9) *Priority nine.* (i) Operational testing of air carrier and equipment, or flight testing wherein the objective is the testing or development of new or modified equipment. This is applicable only to those organizations responsible for testing, development or modification of aircraft systems and equipment.

(ii) Operational training flights, the primary objective of which is the instruction and training of pilots and crews engaged in a formal course of instruction including flight operations in connection with civil flight training.

(10) *Priority 10.* (i) Administrative logistical flights in support of assigned missions.

(ii) Reserve flying training operations where in the objective is the training of reservists not on extended active duty.

(iii) Non-air carrier flight operations in support of SARDA plans as they pertain to the maintenance of a viable national economy.

(11) *Priority 11.* All other flight operations not specifically listed in this section.

§ 245.10 Authentication.

Authentication requirements and procedures for actual and test messages will be established by NORAD or the unified/specified command for its area of responsibility.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Comptroller).

[FR Doc.71-16978 Filed 11-19-71;8:46 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 29—Department of Labor

PART 29–1—GENERAL

PART 29–3—PROCUREMENT BY NEGOTIATION

Miscellaneous Amendments

On September 29, 1971, notice of proposed rule making regarding miscellaneous amendments to the Department of Labor procurement regulations was published (36 F.R. 19121). No comment or other relevant matter was presented by interested persons and the amendments as so proposed are hereby adopted, subject to the following change:

In paragraph (c) of § 29–3.405–5, the words "Chief, Division of Procurement Systems, Office of Management Systems" are changed to read "Director, Office of Procurement Policy."

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER (11–20–71).

Signed at Washington, D.C., this 11th day of November 1971.

J. D. HODGSON,
Secretary of Labor.

1. The table of contents for Part 29–1 is revised to add entries for a new Subpart 29–1.50, as follows:

Subpart 29–1.50—Novation Agreements and Change of Name Agreements

AUTHORITY: The provisions of this Subpart 29–1.50 issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

2. The following text material is added as a new Subpart 29–1.50:

Subpart 29–1.50—Novation Agreements and Change of Name Agreements

§ 29–1.5000 Scope of subpart.

This subpart prescribes the policy and procedures for (a) recognition of a successor in interest to Government contracts when such interests are acquired incidental to a transfer of all the assets of a contractor or such part of his assets as is involved in the performance of the contract, (b) a change of name of a contractor, and (c) execution of novation agreements and change of name agreements by a single administration or office and change of name or novation agreements affecting more than one administration or office. (See also § 1–30.710 of this title on assignment of claims in case of transfers of a business or corporate mergers.)

§ 29–1.5001 Legal review.

All novation agreements and change of name agreements, prior to execution by the Department, shall be reviewed by the Solicitor's Office for legal sufficiency.

§ 29–1.5002 Agreement to recognize a successor in interest.

(a) The transfer of a Government contract is prohibited by law (41 U.S.C. 15). However, the Government may recognize a third party as the successor in interest to a Government contract where the third party's interest is incidental to the transfer of all the assets of the contractor, or all of that part of the contractor's assets involved in the performance of the contract. Examples include, but are not limited to:

(1) Sale of such assets;

(2) Transfer of such assets pursuant to merger or consolidation of corporation; and

(3) Incorporation of a proprietorship or partnership.

(b) When a contractor requests that the Department recognize a successor in interest, the contractor shall be required to provide three signed copies of a novation agreement to the administration or office concerned, together with one copy of each of the following, as applicable:

(1) A properly authenticated copy of the instrument by which the transfer of assets was effected, as for example, a bill of sale, certificate of merger, indenture of transfer, or decree of court;

(2) A list of all contracts and purchase orders which have not been finally settled between the Department and the transferor, showing the contract number, the name and address of the procurement office involved, the total dollar value of each contract as amended, the type of contract involved, and the balance remaining unpaid;

(3) A certified copy of the resolutions of the boards of directors of the corporate parties authorizing the transfer of assets;

(4) A certified copy of the minutes of any stockholders' meetings of the corporate parties necessary to approve the transfer of assets;

(5) A properly authenticated copy of the certificate and articles of incorporation of the transferee if such corporation was formed for the purpose of receiving the assets involved in the performance of the Government contracts;

(6) Opinion of counsel for the transferor and transferee that the transfer was properly effected in accordance with applicable law and the effective date of transfer;

(7) Evidence of the capability of the transferee to perform the contracts;

(8) Balance sheets of the transferor and the transferee as of dates immediately prior to and after the transfer of assets; and

(9) Consent of sureties on all contracts listed under paragraph (a) of this section where bonds are required, or a statement that none is required.

(c) When it is consistent with the Government's interest to recognize a successor in interest to a Government contract, the administration or office concerned shall execute an agreement with the transferor and the transferee, which shall ordinarily provide in part that:

(1) The transferee assumes all the transferor's obligations under the contract;

(2) The transferor waives all rights under the contract as against the Government;

(3) The transferor guarantees performance of the contract by the transferee (a satisfactory performance bond may be accepted in lieu of such guarantee); and

(4) Nothing in the agreement shall relieve the transferor or the transferee from compliance with any Federal law.

(d) A form for such an agreement for use when the transferor and transferee are corporations, and all the assets of the transferor are transferred, is set forth herein. This form may be adapted to fit specific cases and may be used as a guide in preparing similar agreements for use in other situations.

AGREEMENT

This Agreement, entered into as of (date upon which the transfer of assets became effective pursuant to applicable State law), 19__, by and between the ABC Corporation, a corporation duly organized and existing under the laws of the State of _____ with its principal office in the city of_____ _____(hereinafter referred to as the "Transferor"); the XYZ Corporation add if appropriate (formerly known as the EFG Corporation), a corporation duly organized and existing under the laws of the State of _____with its principal office in the city of _____(hereinafter referred to as the "Transferee"); and the United States of America (hereinafter referred to as the "Government").

WITNESSETH

1. Whereas, the Government, represented by various Contracting Officers of the Department of Labor has entered into certain contracts and purchase orders with the Transferor (namely: _____), or as set forth in the attached list marked "Exhibit A" to this Agreement and herein incorporated by reference; and the term "the Contracts" as hereinafter used means the above contracts and purchase orders, and all other contracts and purchase orders, including modifications thereto, heretofore made between the Government, represented by various Contracting Officers of the above-named Department, and the Transferor (whether or not performance and payment have been completed and releases executed, if the Government or the Transferor has any remaining rights, duties or obligations thereunder), and including modifications thereto hereafter made in accordance with the terms and conditions of such contracts and purchase orders between the Government and the Transferee;

2. Whereas, as of _____, 19__, the Transferor assigned, conveyed, and transferred to the Transferee all the assets of the Transferor by virtue of a (term descriptive of the legal transaction involved) between the Transferor and the Transferee;

3. Whereas, the Transferee, by virtue of said assignment, conveyance and transfer, has acquired all the assets of the Transferor;

4. Whereas, by virtue of said assignment, conveyance and transfer, the Transferee has assumed all the duties, obligations and liabilities of the Transferor under the Contracts;

5. Whereas, the Transferee is in a position fully to perform the Contracts, and such duties and obligations as may exist under the Contracts;

6. Whereas, it is consistent with the Government's interest to recognize the Transferee as the successor party to the Contracts;

7. Whereas, there has been filed with the Government evidence of said assignment, conveyance or transfer, as required by § 29–1.5002(b);

Where a change of name is also involved, such as prior or concurrent change of name of the transferee, an appropriate recital shall be used; for example:

8. Whereas, there has been filed with the Government a certificate dated _____, 19__, signed by the Secretary of State of the State of _____, to the effect that the corporate name of EFG Corporation was changed to XYZ Corporation on _____, 19__;

Now, therefore, in consideration of the premises, the parties, hereto agree as follows:

9. The Transferor hereby confirms said assignment, conveyance, and transfer to the Transferee, and does hereby release and discharge the Government from, and does hereby waive, any and all claims, demands, and rights against the Government which it now has or may hereafter have in connection with the contracts.

10. The Transferee hereby assumes, agrees to be bound by, and undertakes to perform each and every one of the terms, covenants and conditions contained in the Contracts. The Transferee further assumes all obligations and liabilities of, and all claims and demands against, the Transferor under the Contracts, in all respects as if the Transferee were the original party to the Contracts.

11. The Transferee hereby ratifies and confirms all actions heretofore taken by the Transferor with respect to the Contracts with the same force and effect as if the action had been taken by the Transferee.

12. The Government hereby recognizes the Transferee as the Transferor's successor in interest in and to the Contracts and agrees that the Transferee hereby becomes entitled to all rights, title, and interest of the Transferor in and to the Contracts in all respects as if the Transferee were the original party to the Contracts. The term "Contractor" as used in the Contracts shall be deemed hereafter to refer to the Transferee rather than to the Transferor.

13. Except as expressly provided herein, nothing in this Agreement shall be construed as a waiver of any rights of the Government against the Transferor.

14. Notwithstanding the foregoing provisions, all payments and reimbursements heretofore made by the Government to the Transferor and all other action heretofore taken by the Government, pursuant to its obligation under any of the Contracts, shall be deemed to have discharged pro tanto the Government's obligations under the Contracts. All payments and reimbursements made by the Government after the date of this Agreement in the name of or to the Transferor shall have the same force and effect as if made to said Transferee and shall constitute a complete discharge of the Government's obligations under the Contracts, to the extent of the amounts so paid or reimbursed.

15. The Transferor and the Transferee hereby agree that the Government shall not be obligated to pay or reimburse either of them for, or otherwise give effect to, any costs, taxes or other expenses, or any increases therein, directly or indirectly arising out of or resulting from (i) said assignment, conveyance and transfer, or (ii) this Agreement, other than those which the Government, in the absence of said assignment, conveyance and transfer, or this Agreement, would have been obligated to pay or reimburse under the terms of the Contracts.

16. The Transferor hereby guarantees payment of all liabilities and the performance of all obligations which the Transferee (i) assumes under this Agreement, or (ii) may hereafter undertake under the Contracts as they may hereafter be amended or modified in accordance with the terms and conditions thereof; and the Transferor hereby waives notice of and consents to any such amendment or modification.

17. Except as herein modified, the Contracts shall remain in full force and effect.

In witness whereof, each of the parties hereto has executed this Agreement as of the day and year first above written.

UNITED STATES OF AMERICA
By _____
Title _____

[CORPORATE SEAL] ABC CORPORATION
By _____
Title _____

[CORPORATE SEAL] XYZ CORPORATION
By _____
Title _____

CERTIFICATE

I, _____, certify that I am the Secretary of ABC Corporation, named above; that _____, who signed this Agreement on behalf of said corporation, was then _____ of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness by hand and the seal of said corporation this _____ day of _____, 19__.

[CORPORATE SEAL]
By_____

CERTIFICATE

I, _____, certify that I am the Secretary of XYZ Corporation, named above; that _____, who signed this Agreement on behalf of said corporation, was then _____ of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness by hand and the seal of said corporation this _____ day of _____, 19__.

[CORPORATE SEAL]
By_____

§ 29–1.5003 Agreement to recognize change of name of contractor.

(a) When only a change of name is involved, so that the rights and obligations of the parties remain unaffected, an agreement shall be executed by the Administration or Office concerned and the contractor modifying all existing contracts between the parties so as to reflect the contractor's change of name. Three signed copies of the Change of Name Agreement and one copy of each of the following shall be forwarded by the contractor to the Administration or Office concerned:

(1) A copy of the instrument by which the change of name was effected, authenticated by a proper official of the State having jurisdiction;

(2) Opinion of counsel for the contractor as to the effective date of the change of name and that it was properly effected in accordance with applicable law; and

(3) A list of all contracts and purchase orders which have not been finally settled between the Department concerned and the transferor, showing the contract number, the name and address of the procurement office involved, the total dollar value of each contract as amended, and the balance remaining unpaid.

(b) A format for such an agreement which shall be adapted for specific cases is set forth below.

AGREEMENT

This agreement, entered into as of (date upon which the change of name became effective pursuant to applicable State law) _____, 19__, by and between the ABC Corporation (formerly the XYZ Corporation and hereinafter sometimes referred to as the "Contractor"), a corporation duly organized and existing under the laws of the State of _____, and the United States of America (hereinafter referred to as the "Government").

WITNESSETH

1. Whereas, the Government, represented by various Contracting Officers of the Department of Labor has entered into certain contracts and purchase orders with the XYZ Corporation, (namely: _____) or (as set forth in the attached list marked "Exhibit A" to this Agreement and herein incorporated by reference); and the term "the Contracts" as hereinafter used means the above contracts and purchase orders, and all other contracts and purchase orders, including modifications thereto, entered into between the Government, represented by various Contracting Officers of the Department of Labor, and the Contractor (whether or not performance and payment have been completed and releases executed, if the Government or the Contractor has any remaining rights, duties or obligations thereunder);

2. Whereas, the XYZ Corporation, by an amendment to its certificate of incorporation, dated _____, has changed its corporate name to ABC Corporation;

3. Whereas, a change of corporate name only is accomplished by said amendment, so that rights and obligations of the Government and of the Contractor under the Contracts are unaffected by said change; and

4. Whereas, there has been filed with the Government documentary evidence of said change in corporate name;

Now therefore, in consideration of the premises, the parties hereto agree that the Contracts covered by this agreement are hereby amended by deleting therefrom the name "XYZ Corporation" wherever it appears in the Contracts and substituting therefor the name "ABC Corporation".

In witness whereof, each of the parties hereto has executed this Agreement as of the day and year first above written.

UNITED STATES OF AMERICA
By _____
Title _____

[CORPORATE SEAL] ABC CORPORATION
By _____
Title _____

CERTIFICATE

I, _____, certify that I am the Secretary of ABC Corporation, named above; that _____ who signed this Agreement on behalf of said corporation, was then _____ of said corporation; and that this Agreement was duly signed for in behalf of said corporation by

authority of its governing body and is within the scope of its corporate powers.

Witness by hand and seal of said corporation this _____ day of _____, 19__.

[CORPORATE SEAL]

By _____

§ 29–1.5004 Processing novation agreements and change of name agreements.

(a) The Administration or Office processing a proposed novation agreement shall promptly provide notice of the proposed Agreement, including lists of contracts as required by § 29–1.5002(b)(2), to the Administrations or Offices having contracts with the contractor or contractors concerned. Such notice shall be transmitted to the appropriate addressee listed herein.

Office of Administrative Services, Office of the Assistant Secretary for Administration, Attention: ASP.

Manpower Administration, Office of Financial and Management Systems, Attention: MBMR.

Bureau of International Affairs, Attention: IA.

Bureau of Labor Statistics, Attention: BA.

(b) If the Administration(s) or Office(s) do not object to the proposed novation agreement within 30 days after receipt of notice, the initiating Administration or Office shall assume acceptance of the proposed novation agreement.

(c) When more than one Administration or Office has outstanding contracts with the contractor or contractors, a single agreement covering all such contracts shall be executed by the Administration or Office having the largest unsettled dollar balance with the contractor or contractors.

(d) A signed copy of the executed novation agreement or change of name agreement shall be forwarded to the contractor, a signed copy shall be retained in the administration or office executing the agreement, and where more than one administration or office is involved, two conformed copies of the agreement shall be prepared by each affected administration and office incorporating a summary of the agreement and attaching thereto a complete list of the contracts affected.

3. In § 29–3.405–5 *Cost-plus-a-fixed-fee contract,* a new paragraph (c) is added to read as follows:

§ 29–3.405–5 Cost-plus-a-fixed-fee contract.

* * * * *

(c) *Limitations.* In addition to the statutory limitations described in § 1–3.405–5(c)(2) of this title, fees under cost-plus-a-fixed-fee type contracts are subject to the administrative limitations set forth below:

(1) Nine percent of the estimated cost, exclusive of the fee, for any cost-plus-a-fixed-fee contract of experimental, evaluation, developmental, or research work; or

(2) Six percent of the estimated cost, exclusive of the fee, of any other cost-plus-a-fixed-fee contract.

Fixed-fees within the limitations imposed by § 1–3.405–5(c)(2) of this title and in excess of those cited herein shall be submitted to the Director, Office of Procurement Policy, Office of the Assistant Secretary for Administration, Washington, D.C. 20210 for approval. The request for approval shall include a detailed justification setting forth the rationale supporting the proposed fee in terms of the factors prescribed in § 1–3.808–2 of this title.

4. In § 29–3.405–50 *Cost-plus-award-fee contract,* paragraph (c) is revised to read as follows:

§ 29–3.405–50 Cost-plus-award-fee contract.

* * * * *

(c) *Limitations.* The base fee shall not exceed 3 percent of the estimated cost of the contract exclusive of fee. The maximum fee (base fee plus award fee) shall not exceed the limits in §§ 1–3.405(c)(2) of this title, and 29–3.405–5(c).

5. The table of contents for Subpart 29–3.8 is revised to add the following new entry for a new § 29–3.805–50, as follows:

Sec.

29–3.805–50 Criteria for award.

6. The following text material is added to Subpart 29–3.8 as a new section:

§ 29–3.805–50 Criteria for award.

(a) The Contracting Officer shall insure that the request for proposal sets forth all significant matters which affect the opportunities of suppliers to compete on an equal basis, including any special evaluation factors. Evaluation factors are defined as (1) any minimum standards which will be required with respect to any particular element of the procurement as well as (2) reasonably definite information as to the degree of importance to be given to particular factors in relation to each other. This does not mean that a mathematical formula must be used in the evaluation process. However, when the numerical rating is used, the request for proposal must inform the offerors of at least the major factors to be considered and the broad scheme of scoring to be used.

(b) An example of a mathematical evaluation process is set forth herein. The evaluation factors are examples and should be changed to meet the particular needs of the request for proposal.

CRITERIA FOR AWARD

Prospective suppliers are advised that the selection of an offeror for contract award is to be made after a careful evaluation of the proposals received by a panel of specialists within the Department. Each panelist will evaluate the proposals for acceptability with emphasis on the various factors enumerated below, assigning to that factor a numerical weighting within the range shown for each of those factors. The scores will then be averaged to select an offeror or develop a list of offerors.

Negotiations will be initiated, if necessary, with one or more of the offerors, within the competitive range as the situation warrants, beginning with the head of the list, i.e., the offeror with the highest score, determined by the factors shown below:

A. Supplier's collective experience as it related to the work required by the proposed contract	1–15 pts.
B. Education and experience of supplier's key personnel as they relate to the work required by the proposed contract	1–15 pts.
C. Supplier's resources and facilities	1–15 pts.
D. Planned approach in accomplishing the proposed work and its indication of the supplier's understanding of the work required	1–35 pts.
E. Price or estimated cost	1–30 pts.

NOTE: Evaluation of the price or estimated cost factor will be computed by multiplying the maximum point score (e.g., 30) available for the factor by the fraction representing the ratio of the lowest price or estimated cost to the particular supplier's proposed price or estimated cost, as illustrated below:

(1) $\frac{60,000}{75,000} \times \frac{30}{1}$ = point score for price or estimated cost factor.

(2) $\frac{60,000}{75,000} \times \frac{30}{1} = 120 = 24$ pts.

(1) $60,000 represents the price or estimated cost of the lowest responsible responsive offeror.

(2) $75,000 represents the price or estimated cost of the responsible responsive offeror being evaluated.

(c) In accordance with § 1–3.805–1(a) of this title, where discussions or other negotiations are to be conducted, the contracting officer must negotiate with all responsible offerors within a competitive range. The competitive range consists of the proposals of those offerors which, based either on an evaluation by a mathematical formula or other means, are grouped more or less at the same level and are competitive with each other. A determination of the limits of the competitive range requires the comparison of each proposal against the other proposals. Therefore, there is no way to predetermine the number of or percentage of proposals that will be competitive with each other. The limits of what constitutes competitive range in a particular case is a judgment matter for determination by the Contracting Officer who has wide latitude. Such discretion will be reasonable and justified and shall not be exercized in an arbitrary or capricious manner.

(5 U.S.C. 301; 40 U.S.C. 486(c))

[FR Doc.71–16998 Filed 11–19–71;8:48 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 21]

CARTMEN AND LIGHTERMEN

Proposed Procedures for Revoking or Suspending Licenses and Identification Cards

Notice is hereby given that pursuant to the authority contained in sections 565 and 624 of the Tariff Act of 1930 (46 Stat. 747, 759; 19 U.S.C. 1565, 1624), it is proposed to amend §§ 21.2 and 21.6 of the Customs regulations (19 CFR 21.2, 21.6), and add a new § 21.2a as set forth in tentative form below.

The proposed amendments would prescribe procedures to be followed by the Bureau of Customs in revoking and suspending a cartman or lighterman license or identification card issued by the Bureau of Customs. The proposed procedures require that the holder be notified in writing of the action to be taken and provide for a written appeal or an oral hearing upon request of the holder. In addition, the format of § 21.2 has been revised, and the requirement that an applicant for an identification card be fingerprinted has been made mandatory.

1. Section 21.2 is amended to read as follows:

§ 21.2 Identification cards.

(a) When required for purposes of local Customs administration, the district director of Customs may require each licensed cartman or lighterman and each employee thereof who receives, transports, or otherwise handles imported mechandise which has not been released from Customs custody to carry and display upon request of a Customs officer an identification card issued by the Bureau of Customs. An identification card shall not be issued to any person whose employment in connection with the transportation of bonded merchandise will, in the judgment of the district director, endanger the revenue.

(b) An application for an identification card required pursuant to paragraph (a) of this section shall be filed personally by the applicant with the district director of Customs on Customs Form 3078 together with two 1¼" x 1¼" color photographs of himself. The fingerprints of the applicant shall also be required on Standard Form 87 at the time of the filing of the application.

(c) The identification card shall be issued on Customs Form 3873 and shall not be valid for Customs purposes unless the U.S. Customs seal is impressed thereon.

(d) The identification card shall be in the possession of the person in whose name the card is issued at all times when he is engaged in transactions with respect to imported merchandise. It shall be the responsibility of each person to whom an identification card is issued to encase it is protective transparent plastic so that both sides are clearly visible.

(e) Should an identification card be presented by a person other than the one to whom it was issued, such card shall be forthwith confiscated.

(f) When there has been a change in the name, address, or employer of the card holder, the card shall be promptly submitted by the card holder to the district director supported by an application in the proper form indicating the change so that it may be officially changed on the Customs records. New cards shall be issued when necessary.

(g) The identification card shall be surrendered to the district director by the card holder when he leaves the employment of the cartman or lighterman, when the cartman or lighterman bond or license is terminated, or when the card is revoked or suspended pursuant to § 21.2a.

(h) The loss or theft of an identification card shall be promptly reported by the card holder to the district director of Customs.

2. Part 21 is amended by adding a new § 21.2a as follows:

§ 21.2a Revocation or suspension of identification cards; hearings.

(a) An identification card issued pursuant to this part may be revoked or suspended by the district director if—

(1) Such card was obtained through fraud or the misstatement of a material fact; or

(2) The holder of such card is convicted of a felony, or convicted of a misdemeanor involving theft, smuggling, or any theft-connected crime; or

(3) The holder permits the card to be used by any other person, or refuses to produce it upon the proper demand of a Customs officer; or

(4) The holder fails to abide by the rules and regulations prescribed in this part.

(b) The district director of Customs shall revoke or suspend an identification card by serving notice of the proposed action in writing upon the card holder. Such notice shall be in the form of a statement specifically setting forth the grounds for revocation or suspension of the identification card and shall be final and conclusive upon the card holder unless within 10 days following receipt of such notice he shall file with the district director a written notice of appeal. The appeal shall be filed in duplicate and shall set forth the response of the holder to the statement of the district director. The card holder in his notice of appeal may request a hearing.

(c) If a hearing is requested by a card holder in his notice of appeal, it shall be held before a hearing officer designated by the Secretary of the Treasury or his designee within 30 days following application therefor. The card holder shall be notified of the time and place of the hearing at least 5 days prior thereto. The holder of the identification card may be represented by counsel at such a hearing, and all evidence and testimony of witnesses in such a proceeding, including substantiation of the charges and the answer thereto shall be presented, with the right of cross-examination to both parties. A stenographic record of any such proceeding shall be made and a copy thereof shall be delivered to the card holder. At the conclusion of such proceeding or review of a written appeal, the hearing officer or the district director, as the case may be, shall forthwith transmit all papers and the stenographic record of the hearing, if held, to the Commissioner of Customs, together with his recommendation for final action. Following a hearing and within 10 calendar days after delivery of a copy of the stenographic record, the card holder may submit to the Commissioner in writing additional views and arguments on the basis of such record. If neither the card holder nor his attorney appear for a scheduled hearing, the hearing officer shall conclude the hearing and transmit all papers with his recommendation to the Commissioner of Customs. The Commissioner shall thereafter render his decision in writing, stating his reason therefor, with respect to the action proposed by the hearing officer or the district director. Such decision shall be transmitted to the district director and served by him on the card holder.

3. Section 21.6 is amended to read as follows:

§ 21.6 Suspension or revocation of licenses of cartman or lighterman.

(a) Inspectors or other Customs officers may require any person claiming to be a licensed customhouse cartman or lighterman to produce his license for inspection. The district director may also require that licensed cartmen and lightermen make, keep, and promptly submit for Customs inspection and examination upon request therefor, such current written records relating to cartage and lighterage as may be needed for purposes of local Customs administration.

(b) The district director may revoke or suspend the license of a cartman or lighterman if:

(1) His license is not promptly produced upon demand;

(2) His vehicle or vessel is not properly marked, as required by § 21.1(c);

(3) The cartman or lighterman refuses or neglects to obey any proper order of a Customs officer or any Customs order, rule, or regulation relative to the cartage or lighterage of merchandise, including the marking, keeping, and submitting of current written records relating to cartage and lighterage;

(4) The license was obtained through fraud or the misstatement of a material fact;

(5) The holder of such license is convicted of a felony, or is convicted of a misdemeanor involving theft, smuggling or a theft-connected crime;

(6) The holder of such license permits it to be used by any other person.

(c) The district director of Customs shall revoke or suspend a license by serving notice of the proposed action in writing upon the holder of the license. Such notice shall be in the form of a statement specifically setting forth the grounds for revocation and suspension of the license and shall be final and conclusive upon the licensee unless within 10 days following receipt of such notice he shall file with the district director a written notice of appeal. The appeal shall be filed in duplicate and shall set forth the response of the licensee to the statement of the district director. The licensee in his notice of appeal may request a hearing.

(d) If a hearing is requested, it shall be held before a hearing officer designated by the Secretary of the Treasury or his designee within 30 days following application therefor. The licensee shall be notified of the time and place of the hearing at least 5 days prior thereto. The holder of the license may be represented by counsel at such a hearing, and all evidence and testimony of witnesses in such proceeding, including substantiation of the charges and the answer thereto shall be presented, with the right of cross-examination to both parties. A stenographic record of any such proceeding shall be made and a copy thereof shall be delivered to the licensee. At the conclusion of such proceeding or review of a written appeal, the hearing officer or the district director, as the case may be, shall forthwith transmit all papers and the stenographic record of the hearing, if held, to the Commissioner of Customs, together with his recommendation for final action. Following a hearing and within 10 calendar days after delivery of a copy of the stenographic record, the licensee may submit to the Commissioner in writing additional views and arguments on the basis of such record. If neither the licensee nor his attorney appear for a scheduled hearing, the hearing officer shall conclude the hearing and transmit all papers with his recommendation to the Commissioner of Customs. The Commissioner shall thereafter render his decision, in writing, stating his reasons therefor, with respect to the action proposed by the hearing officer or the district director. Such decision shall be transmitted to the district director and served by him on the licensee.

Consideration will be given to relevant data, views, or arguments pertaining to the proposed amendments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226. To assure consideration of such submissions they must be received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: November 11, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-17012 Filed 11-19-71;8:49 am]

DEPARTMENT OF THE INTERIOR

Office of Oil and Gas

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 5)]

ALLOCATIONS OF NO. 2 FUEL OIL IN DISTRICT I

Notice of Proposed Rule Making

Presidential Proclamation 4092 dated November 5, 1971 (36 F.R. 21397) amended Presidential Proclamation 3279 to permit the importation commencing January 1, 1972, of an average of 45,000 barrels per day of No. 2 fuel oil into District I during an allocation period, of which not more than 5,000 barrels per day may be shipped from Puerto Rico. It also authorizes the Secretary of the Interior to provide for the importation of crude oil produced in the Western Hemisphere in lieu of No. 2 fuel oil, on a barrel for barrel ratio, and for the exchange of such crude oil for No. 2 fuel oil. There are set forth below proposed amendments to section 15 and section 30, respectively, of the Oil Import Regulation 1 (Revision 5), as amended, which would implement these changes. Final action upon the proposed amendments is subject to the concurrence of the Director of the Office of Emergency Preparedness.

A new paragraph (e) would be added to section 15 which would enable manufacturers of No. 2 fuel oil in Puerto Rico to supply No. 2 fuel oil without reduction of existing allocations of imports into Puerto Rico.

In section 30 the following changes would be made:

(b) This paragraph would be changed to reflect the increase in quantity of imports available for allocation from 40,000 to 45,000 barrels per day and the dates would be changed to provide for calendar year 1972 and succeeding allocation periods.

(d) This paragraph would be changed to provide that applications must be filed no later than December 8, 1971.

(e) "Qualified terminal inputs" would be defined in paragraph (f) (1) in such a manner that it would no longer be necessary to specify the "input period" as in the existing formula and the total quantity to be allocated would be changed from 40,000 to 45,000 barrels per day.

(f) Subparagraph (1) of this paragraph would be amended to provide that "qualified terminal inputs" are those occurring during the 12-month period ending 3 months preceding commencement of the period for which the allocation is to be made.

(g) This paragraph would be amended to take account of imports of crude oil in lieu of No. 2 fuel oil and of No. 2 fuel oil shipped from Puerto Rico to District I.

(h) This new paragraph would provide for the importation of crude oil in lieu of No. 2 fuel oil and for the exchange of the imported crude oil for domestic No. 2 fuel oil.

(i) This new paragraph provides for the relinquishment of allocations by persons who wish to obtain No. 2 fuel oil from Puerto Rico.

Interested persons are invited to submit written comments on the proposed amendments before November 30, 1971, to the Director, Office of Oil and Gas, Department of the Interior, Washington, D.C. 20240. Each person who submits comments is asked to submit fifteen (15) copies.

R. W. SNYDER, Jr.,
Acting Director, Office of Oil and Gas.

NOVEMBER 18, 1971.

1. A new paragraph (e), reading as follows would be added to section 15 of Oil Import Regulation 1 (Revision 5):

Sec. 15 Allocations of crude oil and unfinished oils—Puerto Rico.

• • • • •

(e) No person who manufactures in Puerto Rico, No. 2 fuel oil from crude oil produced in the Western Hemisphere and who has an allocation under this section shall incur a reduction of an allocation pursuant to paragraph (b) of this section, or be deemed to have violated a condition of an allocation, by reason of a shipment of such oil to a person who holds an allocation under section 30 of this regulation and who has relinquished an amount of the allocation equal to the amount to be shipped, so long as the total of all such shipments from Puerto Rico during a calendar year does not exceed an average of 5,000 barrels per day. Shipments of No. 2 fuel oil attributable to a person who holds an allocation under this section will be charged against the limitation of 5,000 barrels per day for a calendar year only to the extent that the total of shipments into District I–IV of unfinished oils and finished products (other than residual fuel oil to be used as fuel) attributable to such person during the calendar year (1) exceeds the quantity of such shipments in the year 1965, if the person holds an allocation under paragraph (a) of this section, or (2) exceeds the quantity of such shipments limited in his allocation, if the person holds an allocation under paragraph (c) of this section.

2. Section 30 of Oil Import Regulation 1 (Revision 5) would be amended to read as follows:

Sec. 30 Allocations of No. 2 Fuel Oil—District I.

(a) For the purposes of this section:

(1) The term "No. 2 fuel oil" means a finished product which has the following physical and chemical characteristics:

Closed cup flash point °F.: Minimum 100.
Pour point °F.: Maximum 20.
Water and sediment, percent: Maximum 0.10.
Carbon residue on 10-percent residuum, percent: Maximum 0.35.
Distillation temperature °F.: Maximum 675. 90 percent point: Minimum 540.
Viscosity, Saybolt Universal: Maximum 40.0. Seconds at 100°F.: Minimum 33.0.
Gravity A.P.I.: Minimum 30.0.

(2) The term "Western Hemisphere" means North America, Central America, South America, and the West Indies.

(3) The term "deepwater terminal" means a permanent land installation which:

(i) Consists of bulk storage tanks having not less than 100,000 barrels of operational capacity, pumps and pipelines used for storage, transfer and handling of No. 2 fuel oil;

(ii) Is on waterways that permit the safe passage to the installation of a tanker rated 15,000 cargo deadweight tons, drawing not less than 25 feet of water; and

(iii) Has a berth that will permit the delivery of No. 2 fuel oil into the installation by direct connection from a tanker rated at 15,000 cargo deadweight tons, drawing not less than 25 feet of water, and moored in the berth. Cargo deadweight tons represent the carrying capacity of a tanker, in tons of 2,240 pounds, less the weight of fuel, water, stores and other items necessary for use on a voyage.

(4) The term "throughput agreement" means a written agreement which provides for the delivery to a deepwater terminal by a person of No. 2 fuel oil which he owns at the time of delivery to the terminal and for a right in such person to withdraw on call an identical quantity of such oil from the terminal. Any transaction between persons involving sales, purchases, or exchanges of No. 2 fuel oil which were designed to gain allocation benefits for a person who would not otherwise be eligible shall not be deemed to constitute a throughput agreement.

(b) For the period January 1, 1972 through December 31, 1972, and in each succeeding allocation period, 45,000 barrels per day of imports of No. 2 fuel oil which is manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere will be available for allocation in District I to eligible persons having qualified terminal inputs of No. 2 fuel oil in this district.

(c) (1) Except as provided in subparagraph (2) of this paragraph, a person shall be eligible for an allocation of imports into District I of No. 2 fuel oil under paragraph (e) of this section:

(i) If he is in the business in District I of selling No. 2 fuel oil and has under his management and operational control a deepwater terminal which is located in District I and in which No. 2 fuel oil is handled, or

(ii) If he is in the business in District I of selling No. 2 fuel oil and has a throughput agreement with a deepwater terminal operator in District I who does not have a crude oil import allocation in Districts I–IV.

(2) No person who has an allocation of imports into Districts I–IV of crude oil under sections 9, 10, or 25 of this regulation shall be eligible for an allocation under paragraph (e) of this section.

(d) A person seeking an allocation for the allocation period beginning January 1, 1972 under paragraph (e) of this section must file an application with the Director on such form as he may prescribe no later than December 8, 1971. The application shall disclose such information as the Director may deem necessary in such detail as he may require.

(e) (1) For the period January 1, 1972 through December 31, 1972, and in each succeeding allocation period, each eligible applicant under this section shall receive an allocation of imports into District I of No. 2 fuel oil which has been manufactured in the Western Hemisphere, from crude oil produced in the Western Hemisphere computed according to the following formula:

$$\frac{\text{Applicant's qualified terminal inputs — average barrels per day}}{\text{Average barrels per day of all qualified terminal inputs}} \times \text{45,000 average barrels per day of No. 2 fuel oil}$$

(2) The Director shall provide that each license issued under an allocation made pursuant to this paragraph (e) shall expire on the last day (December 31) of the allocation period.

(f) (1) For the purposes of this section, "qualified terminal inputs" means quantities of No. 2 fuel oil:

(i) Which were delivered, during the 12-month period ending on September 30 preceding the commencement of the period for which the allocation is to be made, into a deepwater terminal in District I which was under his management and operational control or into a deepwater terminal with which the eligible applicant had a throughput agreement before the oil was delivered, if he owned the oil when it was placed in the terminal and if the delivery constituted the first delivery of that oil to a deepwater terminal into District I; or

(ii) Which the applicant owned, sold to a Federal agency or to an agency of a State or a political subdivision of a State, and delivered, during the 12-month period ending on September 30 preceding the commencement of the period for which the allocation is to be made, to a deepwater terminal in District I for the account of such agency, providing such delivery constituted the first delivery of that oil to a deepwater terminal in District I; or

(iii) Which was delivered to applicant's deepwater terminal in District I as a first delivery into a deepwater terminal in District I under a written agreement to purchase such oil and to which, pursuant to such agreement, the applicant took title, during the 12-month period ending on September 30 preceding the commencement of the period for which the allocation is to be made, upon withdrawal by him from the terminal.

(2) For the purpose of this paragraph (f), storage of No. 2 fuel oil at a refinery in which the oil was produced or delivery of No. 2 fuel oil into a deepwater terminal under the management and operational control of a person who has an allocation of imports of crude oil into Districts I–IV shall not be deemed to be a first delivery to a deepwater terminal in District I.

(g) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred. Except as provided in paragraph (h) of this section, licenses issued under allocations made pursuant to this section shall permit the importation only of No. 2 fuel oil which is manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere. No. 2 fuel oil imported under an allocation made pursuant to this section or shipped from Puerto Rico to District I as provided in this section shall be sold for use as fuel in District I.

(h) A person holding an allocation under this section may obtain from the Director a license which will permit him to import crude oil into Districts I–IV in a quantity not exceeding the amount of the allocation made to such person under this section upon a certification to the Director, in such form as he may prescribe, that the allocation holder has agreed to exchange with a refiner in Districts I–IV such crude oil for No. 2 fuel oil delivered to District I on a ratio of not less than one barrel of No. 2 fuel oil for each barrel of crude oil. Any license so issued shall be charged against the allocation made under this section.

(i) A person who holds an allocation under this section and who wishes to obtain No. 2 fuel oil from Puerto Rico and to relinquish all or a part of his allocation as provided in paragraph (e) of section 15 of this regulation shall send to the Director a letter setting forth the quantity of the shipment, the name of his supplier in Puerto Rico, and the anticipated date of purchase in or shipment from Puerto Rico, and relinquishing an amount of his allocation equal to the amount of the shipment. The person's license must accompany the letter. Upon receipt of such a letter, the Director, shall, accordingly, reduce the person's allocation, adjust and return the license, and notify the supplier that the action has been taken. However, the Director shall not act upon any such letter after shipments from Puerto Rico have reached the limitation of 5,000 barrels per day specified in section 15(e) of this chapter.

[FR Doc.71-17064 Filed 11-18-71;12:40 pm]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 959]

ONIONS GROWN IN SOUTH TEXAS

Proposed Limitation of Shipments

Consideration is being given to the issuance of a limitation of shipments regulation, hereinafter set forth, which was recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959), regulating the handling of onions grown in designated counties in south Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with this proposal shall file the same with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The recommendations of the committee reflect its appraisal of the expected volume and composition of the 1972 crop of south Texas onions and of the marketing prospects for the shipping season which is expected to begin on or about March 1.

The grade and size requirements proposed herein are recommended to prevent culls and poor quality onions, as well as undesirable sizes, from being distributed in fresh market channels. This should provide consumers with desirable onions, at reasonable prices and at the same time result in higher returns to producers for the better grades and preferred sizes and enhance the reputation of south Texas onions.

The proposed container requirement should prevent the use of off-size or deceptive containers which could adversely affect the reputation and returns of south Texas onions. However, it would not preclude the use of containers customarily packed for the retail trade.

The proposals with respect to special purpose shipments are recommended to allow the use of containers which have been the subject of experimental shipments during past seasons, and should encourage exports by allowing the use of containers required for such purposes.

The proposed prohibition on packaging and loading onions on Sunday is recommended to provide more orderly marketing by tailoring shipments from the production area more closely to the ability of receiving markets to accept marketings at reasonable prices.

The proposal is as follows:

§ 959.312 Limitation of shipments.

During the period beginning March 1, 1972, through May 15, 1972, no handler may: Package or load onions on Sundays; or handle any lot of onions grown in the production area, except red onions, unless such onions meet the grade requirements of paragraph (a) of this section, one of the applicable size requirements of paragraph (b) of this section, the container requirements of paragraph (c) of this section, and the inspection requirements of paragraph (f) of this section, or unless such onions are handled in accordance with the provisions of paragraph (d) or (e) of this section.

(a) *Minimum grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(b) *Size requirements.* (1) "Small"—1 to 2¼ inches in diameter, and limited to whites only;

(2) "Repacker"—1¾ to 3 inches in diameter, with 60 percent or more 2 inches in diameter or larger;

(3) 2 to 3½ inches in diameter; or

(4) "Jumbo"—3 inches or larger in diameter.

(c) *Container requirements.* (1) 25-pound bags, with not to exceed in any lot an average net weight of 27½ pounds per bag, and with outside dimensions not larger than 29 inches by 31 inches; or

(2) 50-pound bags, with not to exceed in any lot an average net weight of 55 pounds per bag, and with outside dimensions not larger than 33 inches by 38½ inches.

(3) These container requirements shall not be applicable to onions sold to Federal agencies.

(d) *Minimum quantity exemption.* Any handler may handle, only as individual shipments and other than for resale, not more than 100 pounds of onions per day, in the aggregate, without regard to the requirements of this section or to the inspection and assessment requirements of this part.

(e) *Special purpose shipments and culls.* (1) Onions may be handled in containers customarily packed for the retail trade and in other designated special purpose containers as follows:

(i) Each handler desiring to make such shipments shall first apply to the committee for and obtain a certificate of privilege to make such shipments.

(ii) After obtaining an approved certificate of privilege, each handler may handle onions packed in 2-, 3-, or 5-pound containers customarily packed for the retail trade, 20-kilogram bags, or 50-pound cartons, if they meet the grade and size requirements of paragraphs (a) and (b) of this section and if they are handled in accordance with the reporting requirements established in subparagraph (2) of this paragraph on such shipments: *Provided,* That shipments of 2-, 3-, and 5-pound containers shall not exceed 10 percent of a handler's total weekly onion shipments, and provided further that shipments of 50-pound cartons shall not exceed 10 percent of a handler's total weekly onion shipments of all onions allowed to be marketed under this section.

(iii) The average gross weight per lot of onions packed in master containers shall not exceed 115 percent of the designated net contents.

(iv) The average net weight per lot of 50-pound cartons shall not exceed 55 pounds.

(v) The average net weight per lot of 20-kilogram bags shall not exceed 22 kilograms per bag, and with outside dimensions not larger than 32 inches by 36 inches.

(vi) 20-kilogram bags shall be conspicuously labeled with the words "For Export Only" and shipments shall be only to points outside of the 48 contiguous States of the United States, the District of Columbia, Canada, or Mexico.

(2) *Reporting requirements for shipments in designated special purpose containers.* Each handler who handles such shipments of onions in containers customarily packed for the retail trade and in other designated special purpose containers, shall report there to the committee, the inspection certificate numbers, the grade and size of onions packed, and the size of the containers in which such onions were handled. Such reports, in accordance with § 959.80, shall be furnished to the committee in such manner, on such forms and at such times as it may prescribe. Also, each handler of such shipments of onions shall maintain records of such marketings, pursuant to § 959.80(c). Such records shall be subject to review and audit by the committee to verify reports thereon.

(3) *Onions failing to meet requirements.* Onions failing to meet the grade, size, and container requirements of this section, and not exempted under paragraph (d) of this section, may be handled only pursuant to § 959.126. Culls may be handled pursuant to § 959.126 (a)(1). Shipments for relief or charity may be handled without regard to inspection and assessment requirements.

(f) *Inspection.* (1) No handler may handle any onions regulated hereunder (except pursuant to paragraphs (d) or (e) (3) of this section) unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of onions for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or committee document, upon request, is surrendered to authorities designated by the committee.

(3) For purposes of operation under this part each inspection certificate or committee form required as evidence of inspection is hereby determined to be

valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(g) *Definitions.* The term "U.S. No. 1", shall have the same meaning as set forth in the U.S. Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), or in the U.S. Standards for Grades of Onions (other than Bermuda-Granex-Grano and Creole types) (§§ 51.2830–51.2854 of this title), whichever is applicable to the particular variety.

All terms used in this section shall have the same meaning as when used in Marketing Agreement No. 143, as amended, and this part.

Dated: November 17, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–17031 Filed 11–19–71;8:51 am]

[7 CFR Part 1207]

POTATO RESEARCH AND PROMOTION PLAN

Proposed Procedure for Referenda and Rules of Practice for Modification or Exemption

Consideration is being given to the approval of the procedure for the conduct of referenda and of rules of practice and procedure governing proceedings on petitions to modify, or to be exempted from, provisions of the potato research and promotion plan. The proposals, as hereinafter set forth, are in accordance with the authority vested in the Secretary of Agriculture by Public Law 91–670, 91st Congress, approved January 11, 1971 (84 Stat. 2041).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 15 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposed rules are as follows:

Subpart—Procedure for the Conduct of Referenda in Connection With Potato Research and Promotion Plan

§ 1207.200 General.

Referenda for the purpose of ascertaining whether the issuance by the Secretary of Agriculture of a potato research and promotion plan, or the continuance, termination or suspension of such a plan, is approved or favored by producers shall, unless supplemented or modified by the Secretary, be conducted in accordance with this subpart.

§ 1207.201 Definitions.

(a) "Act" means the Potato Research and Promotion Act, Title III of Public Law 91-670, 91st Congress, approved January 11, 1971 (84 Stat. 2041).

(b) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead; and "Department" means the U.S. Department of Agriculture.

(c) "Administrator" means the Administrator of the Consumer and Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act in his stead.

(d) "Plan" means the plan (including an amendment to a plan) with respect to which the Secretary has directed that a referendum be conducted.

(e) "Referendum agent" means the individual or individuals designated by the Secretary to conduct the referendum.

(f) "Representative period" means the period designated by the Secretary pursuant to section 314 of the act.

(g) "Person" means any individual, partnership, corporation, association, or other business unit. For the purpose of this definition, the term "partnership" includes (1) a husband and wife who have title to, or leasehold interest in, land as tenants in common, joint tenants, tenants by the entirety, or, under community property laws, as community property, and (2) so-called "joint ventures," wherein one or more parties to the agreement, informal or otherwise, contributed capital and others contribute labor, management, equipment, or other services, or any variation of such contributions by two or more parties, so that it results in the growing of potatoes for market and the authority to transfer title to the potatoes so produced.

(h) "Producer" means any person defined as a producer in the plan, engaged in the growing of 5 or more acres of potatoes and who: (1) Owns and farms land, resulting in his ownership of the potatoes produced thereon; (2) rents and farms land, resulting in his ownership of all or a portion of the potatoes produced thereon; or (3) owns land which he does not farm and, as rental for such land, obtains the ownership of a portion of the potatoes produced thereon. Ownership of, or leasehold interest in, land and the acquisition, in any manner other than as hereinbefore set forth, of legal title to the potatoes grown thereon shall not be deemed to result in such owners or lessees becoming producers.

§ 1207.202 Voting.

(a) Each person who is a producer, as defined in this subpart, at the time of the referendum and who also was a producer during the representative period, shall be entitled to only one vote in the referendum, except that in a landlord-tenant relationship, wherein each of the parties is a producer, each such producer shall be entitled to one vote in the referendum.

(b) Proxy voting is not authorized but an officer or employee of a corporate producer, or an administrator, executor or trustee of a producing estate may cast a ballot on behalf of such producer or estate. Any individual so voting in a referendum shall certify that he is an officer or employee of the producer, or an administrator, executor, or trustee of a producing estate, and that he has the authority to take such action. Upon request of the referendum agent, the individual shall submit adequate evidence of such authority.

(c) Each producer shall be entitled to cast only one ballot in the referendum.

§ 1207.203 Instructions.

The referendum agent shall conduct the referendum, in the manner herein provided, under supervision of the Administrator. The Administrator may prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the referendum agent. Such agent shall:

(a) Determine the time of commencement and termination of the period of the referendum, and the time prior to which all ballots must be cast.

(b) Determine whether ballots may be cast by mail, at polling places, at meetings of producers, or by any combination of the foregoing.

(c) Provide ballots and related material to be used in the referendum. Ballot material shall provide for recording essential information for ascertaining (1) whether the person voting, or on whose behalf the vote is cast, is an eligible voter, (2) the acreage of potatoes produced by the voting producer during the representative period, and (3) the total volume in hundredweight of potatoes produced during the representative period.

(d) Give reasonable advance notice of the referendum (1) by utilizing without advertising expense available media of public information (including, but not being limited to, press and radio facilities) serving the production area, announcing the dates, places, or methods of voting, eligibility requirements, and other pertinent information, and (2) by such other means as said agent may deem advisable.

(e) Make available to producers instructions on voting, appropriate ballot and certification forms, and, except in the case of a referendum on the termination or continuance of a plan, a summary of the terms and conditions of the plan: *Provided,* That no person who claims to be qualified to vote shall be refused a ballot.

(f) If ballots are to be cast by mail, cause all the material specified in paragraph (e) of this section to be mailed to each producer whose name and address is known to the referendum agent.

(g) If ballots are to be cast at polling places or meetings, determine the necessary number of polling or meeting places, designate them, announce the time of

each meeting or the hours during which each polling place will be open, provide the material specified in paragraph (e) of this section, and provide for appropriate custody of ballot forms and delivery to the referendum agent of ballots cast.

(h) At the conclusion of the referendum, canvass the ballots, tabulate the results, and, except as otherwise directed, report the outcome to the Administrator and promptly thereafter submit the following:

(1) All ballots received by the agent and appointees, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and received by such persons during the referendum period;

(2) A list of all challenged ballots deemed to be invalid; and

(3) A tabulation of the results of the referendum and a report thereon, including a detailed statement explaining the method used in giving publicity to the referendum and showing other information pertinent to the manner in which the referendum was conducted.

§ 1207.204 Subagents.

The referendum agent may appoint any person or persons deemed necessary or desirable to assist said agent in performing his functions hereunder. Each person so appointed may be authorized by said agent to perform, in accordance with the requirements herein set forth, any or all of the following functions (which, in the absence of such appointment, shall be performed by said agent):

(a) Give public notice of the referendum in the manner specified herein;

(b) Preside at a meeting where ballots are to be cast or as poll officer at a polling place;

(c) Distribute ballots and the aforesaid texts to producers and receive any ballots which are cast; and

(d) Record the name and address of each person receiving a ballot from, or casting a ballot with, said subagent and inquire into the eligibility of such person to vote in the referendum.

§ 1207.205 Ballots.

The referendum agent and his appointees shall accept all ballots cast; but, should they, or any of them, deem that a ballot should be challenged for any reason, said agent of appointee shall endorse above his signature, on said ballot, a statement to the effect that such ballot was challenged, by whom challenged, the reason, said agent or appointee shall envestigations made with respect thereto, and the disposition thereof. Invalid ballots shall not be counted.

§ 1207.206 Referendum report.

Except as otherwise directed, the Administrator shall prepare and submit to the Secretary a report on results of the referendum, the manner in which it was conducted, the extent and kind of public notice given, and other information pertinent to analysis of the referendum and its results.

§ 1207.207 Confidential information.

All ballots cast and the contents thereof (whether or not relating to the identity of any person who voted or the manner in which any person voted) and all information furnished to, compiled by, or in possession of, the referendum agent shall be treated as confidential.

Subpart—Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From Plans

§ 1207.250 Words in the singular form.

Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 1207.251 Definitions.

As used in this subpart, the terms as defined in the act shall apply with equal force and effect. In addition unless the context otherwise requires:

(a) The term "act" means the Potato Research and Promotion Act, Public Law 91-670, 91st Congress, approved January 11, 1971 (84 Stat. 2041);

(b) The term "Department" means the U.S. Department of Agriculture;

(c) The term "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereinafter be delegated, to act in his stead;

(d) The term "examiner" means any hearing examiner in the Office of Hearing Examiners, U.S. Department of Agriculture;

(e) The term "Administrator" means the Administrator of the Consumer and Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead;

(f) The term FEDERAL REGISTER means the publication provided for by the act of July 26, 1935 (49 Stat. 500), and acts supplementary thereto and amendatory thereof;

(g) The term "plan" means any plan or any amendment thereto which may be issued pursuant to the act;

(h) The term "person" means any individual, partnership, corporation, association, or other entity subject to a plan or to whom a plan is sought to be made applicable, or on whom an obligation has been imposed or is sought to be imposed under a plan;

(i) The term "proceeding" means a proceeding before the Secretary arising under section 311(a) of the act;

(j) The term "hearing" means that part of the proceeding which involves the submission of evidence;

(k) The term "party" includes the Department;

(l) The term "hearing clerk" means the hearing clerk, U.S. Department of Agriculture, Washington, D.C.;

(m) The term "presiding officer" means the examiner conducting a proceeding under the act;

(n) The term "presiding officer's report" means the presiding officer's report to the Secretary and includes the presiding officer's proposed (1) findings of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis therefor, (2) order, and (3) rulings on findings, conclusions and orders submitted by the parties;

(o) The term "petition" includes an amended petition.

§ 1207.252 Institution of proceeding.

(a) *Filing and service of petition.* Any person subject to a plan desiring to complain that any plan or any provision of any such plan or any obligation imposed in connection therewith is not in accordance with law, shall file with the hearing clerk, in quadruplicate, a petition in writing addressed to the Secretary. Promptly upon receipt of the petition, the hearing clerk shall transmit a true copy thereof to the Administrator and the General Counsel, respectively.

(b) *Contents of petition.* A petition shall contain:

(1) The correct name, address, and principal place of business of the petitioner. If petitioner is a corporation, such fact shall be stated, together with the name of the State of incorporation, the date of incorporation, and the names, addresses, and respective positions held by its officers and directors; if an unincorporated association, the names and addresses of its officers, and the respective positions held by them; if a partnership, the name and address of each partner;

(2) Reference to the specific terms or provisions of the plan, or the interpretation or application thereof, which are complained of;

(3) A full statement of the facts (avoiding a mere repetition of detailed evidence) upon which the petition is based, and which it is desired that the Secretary consider, setting forth clearly and concisely the nature of the petitioner's business and the manner in which petitioner claims to be affected by the terms or provisions of the plan or the interpretation or application thereof, which are complained of;

(4) A statement of the grounds on which the terms or provisions of the plan, or the interpretation or application thereof, which are complained of, are challenged as not in accordance with law;

(5) Prayers for the specific relief which the petitioner desires the Secretary to grant;

(6) An affidavit by the petitioner, or if the petitioner is not an individual, by an officer of the petitioner having knowledge of the facts stated in the petition, verifying the petition.

(c) *An application to dismiss petition—(1) Filing, contents, and responses thereto.* If the Administrator is of the opinion that the petition, or any portion thereof, does not substantially comply, in form or content, with the act or with the requirements of paragraph (b) of this section, he may, within 30 days after the

filing of the petition, file with the hearing clerk an application to dismiss the petition, or any portion thereof, on one or more of the grounds stated in this paragraph. Such application shall specify the grounds of objection to the petition and if based, in whole or in part, on allegations of fact not appearing on the face of the petition, shall be accompanied by appropriate affidavits or documentary evidence substantiating such allegations of fact. The application may be accompanied by a memorandum of law. Upon receipt of such application, the hearing clerk shall cause a copy thereof to be served upon the petitioner, together with a notice stating that all papers to be submitted in opposition to such application, including any memorandum of law, must be filed by the petitioner with the hearing clerk not later than 20 days after the service of such notice upon the petitioner. Upon the expiration of the time specified in such notice, or upon receipt of such papers from the petitioner, the hearing clerk shall transmit all papers which have been filed in connection with the application to the Secretary for his consideration.

(d) *Further proceedings.* Further proceedings on petitions to modify or to be exempted from plans shall be governed by §§ 900.52(c)(2) through 900.71 (excluding § 900.70) of this title (Rules of Practice Governing Proceedings on Petitions to Modify or To Be Exempted From Marketing Orders except that all references to marketing orders shall mean plan), and as may hereafter be amended, and the same are incorporated herein and make a part hereof by reference.

Dated: November 16, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-17032 Filed 11-19-71;8:51 am]

[7 CFR Part 1207]

[PRPA 1]

POTATO RESEARCH AND PROMOTION PLAN

Notice of Recommended Decision and Opportunity To File Written Exceptions

Pursuant to the rules of practice and procedure governing proceedings to formulate a plan under the Potato Research and Promotion Act (7 CFR Part 1207; 36 F.R. 3194), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed research and promotion plan for potatoes. This plan is proposed pursuant to the provisions of the Potato Research and Promotion Act (title III of Public Law 91-670, 91st Congress, approved January 11, 1971, 84 Stat. 2041) hereinafter called the "act."

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the close of business on the 15th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All such communications will be made available for inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing, on the record of which the proposed plan was formulated, was held at Denver, Colo., June 22 and 23, at San Francisco, Calif., June 29, and at Washington, D.C., on July 7, 1971. This hearing was held pursuant to notice thereof which was published in the May 8, 1971, issue of the FEDERAL REGISTER (36 F.R. 8588). Such notice set forth a proposed plan submitted by the National Potato Council on behalf of potato producers in the 48 contiguous States of the United States.

Material issues. The material issues presented on the record of hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed research and promotion plan to effectuate the purposes of the act;

(3) The definition of the commodity to be covered by the proposed plan;

(4) The identity of the persons and transactions to be assessed; and

(5) The specific terms and provisions of the proposed plan including:

(a) Definitions of terms used therein which are necessary and incidental to attain the declared objectives of the act;

(b) The establishment, maintenance, composition, powers, duties, and operation of a board which shall be the administrative agency for this program;

(c) The authority to incur expenses and to levy assessments on potatoes handled;

(d) The authority for the establishment and carrying out of research and promotion projects and programs for potatoes and potato products;

(e) The procedure for making refunds of assessments to producers who request them;

(f) The procedure for establishing reporting and recordkeeping requirements upon handlers; and

(g) The need for additional terms and conditions as set forth in §§ 1207.360 through 1207.366 which are necessary to effectuate the provisions of the act.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence presented at the hearing and the record thereof, are as follows:

(1) Potatoes are grown in some quantity in each of the 48 contiguous States of the United States, but the largest percentage of the commercial crop is produced in several leading States and, for the most part, such potatoes are shipped in interstate commerce.

In 1970, over a third of the total potato crop was produced in two States, and more than 80 percent of the crop was produced in 10 States. In contrast, few of the more densely populated States produce enough potatoes to meet consumer requirements. As a result, potatoes and potato products move in large volume across State lines from producing to consuming areas.

Exhibit 20, "Fresh Fruit and Vegetable Unload Totals," shows 1970 unloads of fresh potatoes in 41 cities of the United States and Canada. These unloads, totaling approximately 159,000 carlots, show that most of the shipments recorded moved across State lines in reaching market. Some potatoes are also consumed within the States where they were grown, but even these affect interstate commerce since they compete with other potatoes that have originated elsewhere. With modern communications, potato prices or supplies in any one area are promptly known in all other areas and have a direct effect on potato prices in all producing areas.

The record evidence is in accordance with the finding in the act that all potatoes produced in the United States are either in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products. Hence, it is concluded that the right to exercise Federal jurisdiction with respect to the proposed plan, as hereinafter set forth, is established.

(2) Commercial potato production in the United States is a highly specialized business requiring large capital investment. Problems facing potato growers today are far more complex than they were prior to the Second World War.

Shifts in geographical areas of production, changes in varieties grown, shifts to fewer and larger farms, and marked changes in mechanization and crop utilization, all have contributed to new problems for potato growers in recent years.

Potatoes have been free from Federal control programs for many years. That is, there are no allotments, production quotas, subsidies, or price guarantees. The only nationwide programs assisting potato growers have been the plentiful foods promotion, the purchase of some quantities of dehydrated products for distribution under food help programs of the U.S. Department of Agriculture, and an occasional governmental diversion program during periods when the market suffered severe demoralization. These have helped alleviate economic pressures on potato producers. Yet the potato industry continues to struggle with recurring problems of low prices and a low level of consumption.

A review of prices relative to parity clearly substantiates a need for action to bolster the potato business. During the past 5 years the monthly U.S. average price of potatoes has exceeded parity only one time; in July, 1970, it stood at 112 percent of parity. But prices dropped to 79 percent the following month. The low for the period was 51 percent of parity in March of 1968. The average price received by farmers for potatoes in 1967 was 65 percent of parity; in 1968, 75 percent; 1969, 71 percent; 1970, 68 percent; and for the first 5 months of 1971 it was only 64 percent.

Between 1959 and 1964 this country lost 55 percent of its potato farmers. Census data for 1969 are not yet available, but preliminary indications are that the number of potato farmers has continued to decline sharply.

Per capita consumption figures show that the average American in the early 1950's ate about half as many potatoes per year as his ancestors did in 1910. Since the mid-1950's, however, there has been a gradual increase in per capita consumption due mainly, it is believed, to the popularity of new processed products which make it easier to use potatoes in preparing meals at home and in commercial and institutional kitchens.

The decline in the per capita consumption from the high level of former years is believed to be partly due to the opinion prevalent among many people that potatoes are fattening. Actually potatoes are a wholesome, highly nutritious food, rich in vitamins and minerals necessary in our daily diet. Potatoes are an economical food. They provide a source of low-cost energy to the human diet, a fact well recognized in many parts of the world where the per capita consumption is considerably higher than in the United States.

Potato producers have been trying for decades to agree on some type of voluntary, cooperative action to help solve their problems. So far they have made no progress. However, a national program of research and promotion has received widespread support by the industry. Spokesmen in all producing sections of the United States have generally voiced approval of this approach. They also have given strong backing to research designed to improve handling and marketing practices. Promotion and research can help keep the potato industry healthy and prosperous for the benefit of producers and consumers alike.

It is concluded, from the record evidence, that there is an urgent need by the potato industry for a plan such as recommended herein in order to effectuate the policy of the act.

(3) The definition of the agricultural commodity to be subject to the provisions of the plan is necessary to distinguish it from other agricultural commodities.

The definition of "potatoes" should include all varieties of Irish potatoes grown by producers in the production area, which in this plan is comprised of the 48 contiguous States. This agricultural commodity is botanically known as "Solanum Tuberosum." It is commonly known in the producing sections of the United States and in the terminal markets as "potatoes" or "Irish potatoes." The term does not include sweet potatoes which are a different commodity. Irish potatoes include all varieties, regardless of their shape or color.

(4) The term "producer" under this proposed plan should mean any person engaged in the growing of five or more acres of potatoes. The term needs to be defined to indicate specifically those individuals who would have a right to vote for nominees for membership on the Board as well as to be nominated for such membership and for use in other provisions of the plan.

In the United States potatoes are grown by many people, with the producing enterprises ranging in size from a row or two up to many hundreds of acres. During the hearings on a national program of research and promotion, both in Congress and with regard to the proposal herein, it was indicated that persons growing less than five acres of potatoes were not commercial producers. Therefore, such persons should not be included under the provisions of this plan. However, record evidence is that five acres or more should be a requirement for classification as a producer.

"Producer" should include any person who owns or shares in the ownership and risk of loss of five acres or more of potatoes such as a land owner, landlord, tenant or sharecropper. The person who owns and farms land resulting in his ownership of the potatoes produced on such land should clearly be considered a producer. The same is true with respect to the person who rents and farms land resulting in his ownership of all or a part of the potatoes produced thereon. Likewise, a person who owns land, which he does not farm, but as rental for such land obtains the ownership of a portion of the potatoes produced thereon, should be regarded as a producer of that portion received as rent, and the tenant on such land should be regarded as a producer for the remaining portion produced on such land. In each of the above situations the person involved in production, regardless of whether an individual, partnership, association, corporation, or other business unit should be considered as one producer entitled to one vote. Normally, a husband and wife operation would be considered a partnership and be entitled to one vote.

A substantial quantity of potatoes are produced under divided ownership, or joint venture, arrangements. Each party to such an arrangement should be considered a producer, provided each had a proprietary interest in the potatoes produced by the venture. "Proprietary interest" is construed as sharing in the risk of loss.

In summary, two primary criteria qualify a person as a producer (1) he has title to the potatoes or a portion of the potatoes produced and can transfer such title or interest, and (2) the farming operation consists of five or more acres of potatoes.

The term "handle" should be defined in the plan to determine those transactions which fall within the authority for regulation under this program. "Handle" should include each of the activities which place the potatoes in the current of commerce or cause the potatoes to be placed in the current of commerce. It should include not only the first act of handling, or placing the potatoes in the current of commerce, but each succeeding action until the potatoes are finally disposed of. This is desirable and appropriate so that each person who is responsible for performing any such action or function will have appropriate responsibility for complying with the terms of the plan as they relate to handling.

The growing and harvesting of potatoes are considered to be producer functions and should be construed as operations of the producer in his capacity as a producer. The movement of ungraded potatoes by a producer to a handler for storage or preparation for market also is a producer function.

It is a common practice during the harvest season for some potatoes to move directly from the field to fresh market. However, the great bulk of the potatoes harvested are: (1) Subjected to grading and packaging operations prior to movement to fresh market channels, (2) transported to warehouses for storage and from thence they are graded and packed for later sale, or (3) transported or delivered to processing plants for various types of processing. For purposes of this plan, it is recognized that ungraded potatoes transported by the producer would not have been prepared for market and most buyers and sellers would not consider such potatoes as appropriate products for commercial transactions. As such, they had not yet entered the stream of commerce.

Therefore, an exception should be included in the definition of "handle" stating that such term shall not include the transportation or delivery of field-run potatoes by the producer thereof to a handler for grading, storage, or processing.

Since the obligations for payment of assessments and for keeping records and preparing reports under this plan are based on handling, and the act as well as the plan specify that the Board should designate the persons so responsible, it would simplify operations under the plan if the Board would designate the class or classes of handling or type of operation which would make a person or firm responsible for the payment of the assessment and other obligations under the plan.

The term "handler" should be defined to identify the persons who handle potatoes in the manner described in the definition of "handle" because they are to be subject to the regulations to be authorized by the plan. The term "handler" is important under the act and in the provisions of the plan because the designated handler is the person or firm responsible for the payment of the assessment under this plan. He is also the person responsible for keeping certain records and for making reports to the Board.

Any person who engages in the act or acts of handling potatoes, or who causes potatoes to be handled, is a handler. He is the one responsible for placing the potatoes in the current of commerce. The term handler should include any individual, partnership, corporation, association, or any other business unit which handles potatoes or causes potatoes to be handled. The definition should not only include the first handler but also each succeeding handler until the potatoes are disposed of.

A producer who handles the potatoes he has produced is considered to be a handler when he performs the handling function on such potatoes. For example, if a producer were to sell his potatoes to an itinerant trucker, he would be placing his potatoes in the current of commerce and thus would be a handler under the proposed plan. The act of selling to the trucker makes the producer a handler.

The term handler should not include a common or contract carrier transporting potatoes which are owned by another person. Such carriers are performing a handling function but the sole interest of the common or contract carrier is to transport the potatoes for a service charge to a destination selected by others. They are not the ones responsible for the introduction of the potatoes in the stream of commerce and therefore they should not be responsible for the payment of assessments and filing the reports required of handlers.

It is probable that there will often be more than one handler for a given lot of potatoes handled. However, there can be only one assessment on any lot. It is intended that the first handler of potatoes produced on 5 or more acres, in most cases would be the one to pay the assessment and be responsible for the records and reports to the Board.

There may be instances of handling, however, in which the first handler would not be the one designated to pay the assessment. For example, a producer who delivers partially graded or "rough graded" potatoes to a handler for further grading or processing would be the first handler of such potatoes. However, such potatoes have not been fully prepared for market and it might be more practical for the receiver—the second handler—of such potatoes to be responsible for the payment of the assessment. In such an instance, the second handler's responsibility for payment of the assessment could be specified by regulations.

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the plan. These terms should be defined for the purpose of designating specifically their applicability and establishing appropriate limitations on their respective meanings wherever they are used.

"Secretary" should be defined to include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for this plan, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the U.S. Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the correct legal citation for the statute pursuant to which the proposed plan may be put into effect and operated. The inclusion of this definition will make it unnecessary to refer to such law and statutory citation every time reference is made to the act in the provisions of the plan. "Act" should also be defined to include any future amendments that may be made to the Potato Research and Promotion Act.

The definition of "person" follows the definition of that term as set forth in the act, and will insure that it will have the same meaning as it has in the act.

The definition of "plan" simply fulfills a requirement of the act which states that any order issued by the Secretary pursuant to the act shall be referred to as a "plan." The definition of "plan" as set forth in the notice of hearing refers to the order to be issued by the Secretary authorizing a program of research and promotion for potatoes. The definition of plan should also include any amendments thereto.

"Fiscal period" and "marketing year" should be defined as set forth in the notice of hearing so that each will comprise a definite 12-month period. The beginning of the fiscal period, according to the record, should coincide with the beginning of terms of office of Board members so that the beginning of the period for the budget, expenditures, and audits would be clearcut and identifiable as between one Board and the following Board. The Board is required to have its books audited at the end of each fiscal period. The Board should be able to recommend a change in the dates if they do not work out well as proposed initially. For example, the Board might wish to recommend that the marketing year begin on a different date than the fiscal period. The proposed section would permit this flexibility.

"Programs" and "projects" should be defined to indicate the type of activities which may be recommended by the Board. These terms are not intended to be limiting, but rather to include any types of research, development, advertising and promotion which may be authorized.

(b) An administrative agency to be known as the "National Potato Promotion Board," should be established to administer the plan. The Board should be composed of potato producers selected by the Secretary from nominations made by producers.

The composition of the Board should reflect several important factors. Potatoes are grown in all 48 contiguous States, so producers in all these States should be represented. Also, proportionate representation should be given to those States with the greatest production of potatoes. At the same time, it should be recognized that with an overly large Board, the administrative cost of Board meetings conceivably could be relatively high, thereby reducing the amount of money available for carrying out the programs and projects.

The problems of equitable representation and practical administration should be resolved by having each State entitled to one member on the Board for each 5 million hundredweight, or major portion thereof, but with each State entitled to at least one member. Membership should be determined on the basis of potato production as reported in the latest Crop Production Annual Summary Report issued by the Crop Reporting Board of the U.S. Department of Agriculture.

The foregoing method of selecting Board members would provide equitable representation for potato producers in all of the 48 States. The record evidence shows, however, that some flexibility should be included in the provisions for establishment and membership. For example, in the event potato producers in any State do not respond to an officially called nomination meeting, the Secretary should have the authority to combine such a State with a nearby State for the purpose of representation. Also, in the event of significantly changing conditions in the future, the Secretary should have the authority, upon recommendation of the Board, to establish groups of States in order to change the representation requirements for membership on the Board. Growers in the affected States should, however, be afforded an opportunity to be heard in regard to such changes. This could be accomplished through rule making procedure.

On the basis of the 1970 crop summary report, Exhibit No. 9, the initial method of selection would result in a Board of 93 members. The cost of travel and expenses for such a Board might be high, if there were a number of meetings during the year. However, in order to keep the administrative costs of the Board at a reasonable level the Board should give consideration to holding only one regular meeting of the Board each year. This would be the organizational meeting at which time the election of officers would be held. Also, at this meeting the Board would establish its policy for the ensuing year, including the important business of establishing priorities for certain research and promotion activities. The Board could then appoint or select an administrative committee and charge it with the responsibility of carrying out the administrative functions of the Board in accordance with the policy adopted. Members of the administrative committee could meet as often as necessary at moderate costs. The administrative committee would report its actions to the Board and to the Secretary. By this method, the total administrative costs would be held at a reasonable level. Limitations on the powers of the administrative committee should be set forth in the bylaws of the Board.

The Board should be responsible for determining its organizational structure, including the selection of an administrative committee and the functions of such committee. As a guide for the Board, proponents proposed an administrative committee composed of 18 members to be selected as follows: Six officers to be elected by the membership of the Board, including a president, three vice presidents, a secretary and a treasurer. The six officers thus elected would select the additional members of the committee, all of whom must be approved by the Board.

For purposes of selecting officers and other administrative committee members,

proponents proposed dividing the production area into six geographic districts, with one of the six officers from each district. The Northeast District would include the States of Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine. The Southeast District would include the States of Louisiana, Arkansas, Mississippi, Tennessee, Kentucky, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maryland, and Delaware. The North Central District would include the States of Ohio, Indiana, Illinois, Missouri, Iowa, Nebraska, South Dakota, North Dakota, Minnesota, Wisconsin, and Michigan. The South Central District would include the States of Kansas, Colorado, New Mexico, Oklahoma, and Texas. The Northwest District would include the States of Montana, Wyoming, Idaho, Oregon, and Washington. The Southwest District would include the States of Arizona, California, Nevada, and Utah.

This administrative committee proposal appears to be a reasonable and practical method of administration. However, it is described only as an example of an approach which the Board might select. Any other administrative approach could be recommended by the Board and approved by the Secretary.

The term of office for Board members should be 3 years, after the initial Board has been selected as set forth in the proposed plan. It is important that the terms be staggered. This will provide continuity and, at the same time, it will reflect any changes in the thinking of producers. Members of the initial board should serve 1-, 2-, and 3-year terms, approximately a third of the members should fall into each category. One method of determining which members should serve for 3, 2, and 1 year terms could be accomplished by drawing names within each State delegation in which the first name drawn would serve 3 years, the second for 2 years, and third for 1 year. All States with one Board member could be combined in a single drawing to insure a balanced turnover of terms of offices of Board members.

Limiting members to two full successive terms would insure that new members would be coming into the organization with new ideas responsive to the needs of the industry.

The provision that a member shall continue to serve until such time as his successor is selected and has qualified would assure continuity of representation. The provisions as set forth in the notice of hearing for the term of office are appropriate. However, if it should be decided at a later date that the term of office of members should begin on some other date than July 1, the plan should provide for such a change.

Once the Board is organized and functioning as an entity it should be able to call nomination meetings in each State so as to provide the Secretary with at least one nominee for each position to be filled.

Nominations should be held by a date that will give the Secretary ample time to select the members before the next term of office begins and a list of the nominees should be furnished the Secretary promptly after each meeting. Adequate notice should be provided to producers and to the Secretary of each nomination meeting. They should be open meetings, well publicized and impartially conducted. Since only producers may nominate and be nominated, any person may be called upon to provide proof of his eligibility.

The proposed plan, as published in the notice of hearing, provided for the National Potato Council to hold, or cause to be held, the initial nomination meetings for electing nominees for membership on the first Board.

Testimony was presented at the hearing against permitting a single organization to hold the initial nomination meetings.

So that no undue burden of responsibility is placed on a single industry organization, initial nomination meetings shall be sponsored by the U.S. Department of Agriculture.

The Department may call upon other organizations or agencies to assist in conducting the meetings, such as State and national organizations of potato producers. Adequate notice of such meetings must be given to the potato producers affected; also to the Secretary so that a representative of the Secretary, if available, may conduct such meetings or act as secretary at such nomination meetings.

To vote in nomination meetings in any State a person must be a producer in such State.

A person growing potatoes in more than one State should choose the State in which he wants to participate in a nomination meeting. He should be allowed to participate in such nominations in only one meeting. Each producer should have one vote for each nominee vacancy.

Persons selected as Board members should qualify by filing a written acceptance promptly after being notified of their selection so that the Board and the Secretary will know they have accepted their appointments.

It is probable that some Board members will be unable to complete their terms of office. In the event a vacancy occurs, the Board should, at the appropriate time, call a nomination meeting in the State and a successor should be nominated. If the Board should fail to hold such meeting, or the State should fail to submit the name of a nominee, then the Secretary should proceed with an appointment of his own choosing, but such an appointee must be an eligible producer in the State to be represented.

The procedure for conducting meetings of the Board should conform with the bylaws to be adopted by the Board and approved by the Secretary. However, such matters as the method of voting and what constitutes a quorum should be set forth in the plan.

The record evidence indicates that when the Board assembles, a majority should be necessary to constitute a quorum. Also, the plan should provide that any action taken by the Board should require the concurrence of a majority of the votes cast.

When a vote is taken by the Board on any issue before it, the votes which each State may cast should be determined by the State's total production. Each State should be eligible to cast one vote for each 1 million hundredweight of production, or major fraction thereof, except that a State with less than 1 million hundredweight should be eligible to cast one vote. The votes that each State is eligible to cast should be cast as determined by the members of the Board from that State. Such State may vote en bloc, or the members of such State may divide the vote in any manner they desire, so long as fractional votes are not cast. No fractional votes should be permitted.

It should be provided that in any State that has more than one member on the Board, a duly authorized proxy may be voted, but only by a fellow Board member from that State. Such proxy should be deemed as a person present for the purpose of a quorum. Also, such a proxy, to be valid, should be a specifically directed proxy on a single previously announced issue. No blanket proxy should be accepted.

The Board should have authority to follow procedures which will assure that it operates properly and efficiently. In order to facilitate the transaction of routine, noncontroversial, or emergency matters, the Board should have the authority to conduct meetings by mail, telephone, or telegraph. Any votes cast by telephone should be confirmed promptly in writing to provide a record of how each member voted.

Whenever the Board members are acting on behalf of the Board, whether by traveling to meetings or on special assignments, their expenses should be reimbursed. It would be unfair for them to bear personally such expenses incurred in the interests of all potato producers. If an actual expense reimbursement procedure is preferred, the Board should adopt a standard expense account form and expense reimbursements should be made only when properly requested on such form and accompanied by receipts for all travel, room accommodations, and other reasonable expenses. However, a per diem rate in lieu of itemized expense reimbursement should be permitted. Board members should serve without compensation.

The Board should be given those specific powers which are set forth in section 308(a) of the act because such powers are necessary for an administrative agency, such as the Board, to carry out its proper functions. The Board should have the power and the responsibility to administer the plan and to carry out the authorized programs and projects. The Secretary has the responsibility to see that the Board does not exceed its authority.

The Board should have the power to develop and recommend rules and regulations which will be the mechanics or procedures by which the Board will carry out its responsibilities under the plan. If the Secretary determines that such recommended rules would tend to effectuate the policy of the act, he would then issue a rule or regulation.

Such rules or regulations would specify the assessment to be paid, which handlers would be responsible for the payment of assessments, when and how they are to be paid, and other requirements of the plan.

It is possible that violations of the regulations may occur. The Board should promptly investigate violations and rumors of violations. A policy should be established and a procedure developed for handling violations. The Board should make every effort to make collections and settle alleged violations. However, in those rare cases when the Board cannot effect proper settlement, then the Board should report such violations to the Secretary for appropriate legal action.

The duties of the Board, as set forth in the proposed plan, are necessary for the discharge of its responsibilities. These duties are similar to those generally specified for administrative agencies of this character. They are reasonable and necessary if the Board is to function in the manner prescribed under the act. Such duties are not necessarily all inclusive.

They include such duties as to meet and organize and to select from among its members a president and such other officers as may be necessary; to select committees and subcommittees of Board members and to adopt such rules for its conduct as it may deem advisable. The Board should also be authorized to establish advisory committees of persons other than Board members. Proponent witnesses testified that, while the Board is to be composed only of producers, the knowledge of shippers, handlers, processors, distributors, regional association executive personnel and others connected with the potato industry would be of great and significant value in assisting the Board formulate plans and make decisions. This contention is valid. The purpose of each advisory committee would be to recommend to the Board the programs or projects which would be in the best interest of their particular phase of the industry. It is therefore desirable for the Board to have authority to appoint these special committees which would not have voting rights but would serve in an advisory capacity. It is proper that the members of the advisory committee be reimbursed for necessary expenses incurred by them in connection with this plan.

Record evidence is that the financial affairs of the Board should be audited at least once each fiscal year by a "certified public accountant" and that paragraph (f) of § 1207.328 should be amended accordingly. Also, in paragraph (i) of the same section, the provision that the Board furnish the Secretary such information as he may request is not meant to infer that the Board will be required to go to great lengths or expense to obtain information for the Secretary which may not be available. It means that the Board should make reasonable efforts to obtain the information requested by the Secretary.

(c) The act provides that funds for operation of this plan shall be acquired from assessments levied on handlers. The rate of assessment should be established each fiscal period by the Secretary, upon recommendation of the Board, or other available information, to the extent that such rate is consistent with the policy of the act. Such rate of assessment may not exceed one cent per one hundredweight of potatoes handled.

To conform to good business practice, at the beginning of each fiscal period, and as may be necessary thereafter, the Board should prepare and submit to the Secretary a budget of anticipated expenses and a proposed rate of assessment for the ensuing fiscal period. The budget should show estimates of income and expenditures with an analysis of its components and an explanation thereof in the form of a report.

Handlers responsible for payment of assessments under such a plan may collect them from the producer or deduct them from proceeds paid the producer. The record evidence indicates that only certain types or classes of handlers should be required to remit assessments. For purpose of administration, provision should be made to distinguish those handlers that are required to pay assessments. Each such person could be appropriately called a "designated handler" and should be defined as the handler required to pay and remit assessments in accordance with regulations issued under the plan.

Record evidence shows that marketing practices differ considerably in the various potato producing areas of the United States. Differences may occur depending on whether potatoes are sold for seed, fresh market, or for use in processed potato products. Testimony also shows that even an individual producer does not always sell his crop in the same manner each year. In order to most effectively cope with these differences, regulations should be issued governing collection of assessments. Such regulations should describe the particular handler who would be responsible for remitting assessments in any given handling situation. The record shows that in most cases the handler who first purchases the potatoes from the grower, or who applies for Federal-State inspection, should be the "designated handler" required to remit assessments. Of course, as previously noted in the definition of "handle" the grower who performs the handling operations becomes a handler and, as such, he may become responsible for payment of the assessment. Proponents presented testimony on some 19 methods of handling potatoes and indicated who the "designated handler" should be in each typical handling situation. They also indicated that the Board should print and distribute a leaflet with as complete a list as possible of the different types of handling operations and indicate for each one the "designated handler" responsible for the assessments.

Since the act prohibits more than one assessment being made on any lot of potatoes, regulations governing collection of assessments should insure that any lot of potatoes would not be assessed more than once.

The act provides authority, and so should the plan, that potatoes used for nonfood purposes may be exempted from assessment. Record evidence indicates the desirability of exempting potatoes utilized in such nonfood outlets as livestock feed and starch manufacture. Testimony was given, however, that potatoes produced primarily for nonfood use should not be exempted from assessments. At this point in time, seed is the only nonfood outlet for which potatoes are specifically produced. However, other important nonfood outlets may be developed in the future and potatoes produced specifically for such outlets could be properly assessed. In order to provide flexibility in program operation, exemptions for potatoes used in nonfood outlets should be determined through rule making procedure. On the basis of the hearing evidence, it would appear appropriate to initially issue rules exempting from assessment all potatoes for nonfood uses other than seed.

Record evidence shows the producer is not always paid on the basis of the total weight of potatoes he sells. In some cases, a grower may deliver field-run potatoes to a handler and receive payment based on the marketable, or packout weight delivered. In such a case, assessment should be made on the quantity for which he was paid.

Various contractual arrangements and agreements are used frequently for production of potatoes. To insure equity in a case where more than one person has title to the potatoes, each person's share of the assessment should be in proportion to the amount of the crop to which he has title.

A number of potato promotion and research programs already are operating in the various States. Also, Federal and State marketing order programs regulate the sale of potatoes in many States. These programs, for the most part, are financed by the collection of assessments on potatoes handled. Authority should be provided in the plan that the Board may use available facilities of existing agencies or organizations to facilitate the collection of assessments. Reasonable compensation for such services should be permitted.

Designated handlers should be required to pay asessments to the Board promptly when they become due. A date 15 days after the end of the month in which potatoes were handled would be reasonable as a due date. Once potatoes are handled, as defined in regulations issued under the plan, the handler should be required to pay the assessment on them regardless of whether he has made settlement with the producer. In all cases in which the designated handler has

collected such assessment from the producer, or deducted such assessment from the proceeds paid the producer, he should furnish the producer a receipt for such collection or deduction.

As a further consideration of the budget, good business practice requires consideration for contingencies. The Board should be authorized to set aside funds in an operating reserve and to budget for such a reserve. It would be impractical to plan and carry out many programs or projects on a short-term basis. Proponents stated that in practice, research and promotional efforts in a given year probably will be financed in part by money collected the previous year. The record evidence indicates that a reserve of not to exceed 2 years' expenses is needed so that if a crop disaster should occur, the assessment could be waived for 1 year. But by drawing on the reserve fund, the programs and projects could be continued to keep from losing the benefits of previous expenditures. Hence, the provision for a reserve fund as set forth in the proposal is necessary and appropriate.

(d) The Board should have the authority to determine the types of research, development, advertising, and promotion activities to be undertaken, and it should be charged with the responsibility for initiating and recommending to the Secretary the establishment of such projects as are authorized by the act.

The projects and programs should be designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes and potato products. The authority should be broad and flexible to enable the Board to use the most efficient and effective methods for carrying out the purposes and policy of the act.

Record evidence indicates that the plan is not intended to reduce the efforts of groups within the potato industry who are presently engaged in such activities, nor to compete with such groups. All organizations which have been so engaged may continue to promote and advertise as well as engage in research and development projects for potatoes.

The Board should have the authority to recommend programs designed to expand sales in foreign markets for potatoes and potato products. The Board would be in an advantageous position to cooperate with other agencies in developing such export markets.

The provision that no advertising or promotion shall make any reference to private brand names is necessary to preclude discrimination. One way to diminish the usefulness of an activity such as this industry plan would be to show discrimination in any form. An organization, such as the proposed Board must be fair and helpful to all of the segments and elements of the potato industry.

However, the prohibition against private brand names should not preclude development of a national trademark or "logo" which could be used by all of the potato industry in the United States to designate a particular quality of potatoes if the Board finds that such a trademark or "logo" is desirable.

The prohibition on the use of false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of competing products is also appropriate and necessary for proper administration of this plan. This provision is a safeguard against the possibility of over-zealous claims in behalf of potatoes and to forestall any derogatory statements about competing products.

It is probable that the Board will contract for all or most of the research, development, advertising, and promotion projects and programs with private and governmental agencies which are properly staffed and equipped to do the type of work needed. Prior to such contracting, of course, the approval of the Secretary will be needed to insure that the projects and programs contemplated are consistent with the terms and conditions of the plan.

While the programs or projects should be submitted to the Secretary for his approval, it is recognized that considerable study and planning are involved in the development of such activities; hence the incurring of expenses in connection with their development should be authorized on the basis of budgetary approval prior to the time such projects are submitted.

The establishment of advertising and promotion activities may open up areas where research will be needed. For example, the Board may want to institute a research project to evaluate the effects of advertising; or the Board may wish to start an advertising and promotion program on a small scale to test its effectiveness prior to expending large sums on a national scale.

Witnesses noted that the act and the proposed plan do not authorize quality control or supply management regulations. Therefore, in order to clarify this matter, they proposed an amendment to be added at the end of paragraph (b) of § 1207.335 *Research and promotion,* to read as follows: "*Provided,* That, quality control, grade standards and supply management programs shall not be conducted under, or as part of this plan." This proviso appears reasonable and this amendment has been added to the appropriate section of the proposal.

Record evidence indicates that the Board, in its research and promotional efforts, should treat all uses of potatoes fairly and equitably, whether the potatoes are in fresh or processed form. Common interest problems which may concern all industry segments should have priority. But promotion of individual types or products would also be reasonable and necessary and should be permitted. In so doing, however, all intent of favoritism should be avoided and each category should be given its proper share of consideration.

The record shows that production research, as such, is not intended under this plan but there may be need for some projects that could involve production in an indirect way. Such projects may be undertaken if they contribute to improved marketing of potatoes.

It is concluded, therefore, that the proposed provisions of the plan as modified on the basis of record evidence, and as hereinafter set forth, are comprehensive and flexible enough to enable the Board to develop and carry out whatever research, development, advertising and promotion activities are needed for potatoes.

(e) Provision for making refunds of assessments to producers who request them should be included in the plan. The act provides that any potato producer against whose potatoes assessment is made and collected, and who is not in favor of supporting the research and promotion, shall have the right to demand and receive from the Board a refund of such assessment. The demand should be made to the Board by the individual producer in accordance with regulations and on a form prescribed by the Board. The producer should be allowed at least 90 days from the date of payment to submit a request, and upon proof satisfactory to the Board that the producer paid the assessment, a refund should be made within 60 days after the request.

Testimony was given regarding the possibility that the Board might make the process of obtaining refunds so difficult that not many producers would request refunds. The record evidence, however, indicates that the refund forms should be readily available to producers in most producing areas or, in the case of isolated sections, they could be obtained by writing to the Board. Also, the provision that each producer who asks for a refund must individually request it does not mean that he must physically go to the office of the Board; it should mean that the producer must be the one to fill out the form requesting such refund and must provide the necessary information to show that he paid the assessment. Handlers, cooperatives, or others should not be able to request refunds on behalf of producers, but each producer should have to file his own request. If two or more persons shared title to a crop, each should be permitted to file a request form for the portion on which he paid the assessment. Handlers should not be entitled to refunds even though they paid the assessment without charging the producer. But, a handler who is also a producer and paid the assessment as a producer should be entitled to a refund. In any event, a producer should not be eligible for a refund unless he actually paid the assessment or the assessment was deducted from proceeds from his potatoes which were handled.

The Board should recommend, and the Secretary approve, regulations concerning the method of obtaining refunds together with the form to be used for such purpose.

(f) The procedure for establishing reporting and record keeping requirements which was set forth in the notice of hearing should be modified slightly in

accordance with the changes indicated in the record evidence.

The act requires that each designated handler shall maintain a record with respect to each producer for whom potatoes were handled. While it is difficult to anticipate every type of report or kind of information the Board may need in administering the plan, there was general agreement on the type of information which may be required.

Handlers' reports should show, for each producer including himself, the total quantity of potatoes handled subject to assessment and that not subject to assessment. The reports should show the name and address of each person from whom an assessment was collected or withheld, the date of the transaction, and the amount withheld or collected from each person. The most practical manner in which to provide standards for accomplishing this objective would be through rule making procedure. The Board should recommend, and the Secretary approve, rules and regulations which would require the least possible addition to records already being kept by handlers.

A question arose at the hearing as to the intent of section 310(a) of the act which requires designated handlers to keep a separate record with respect to each producer for whom potatoes were handled.

The intent of this requirement is to insure that the necessary information for each producer can be identified. It should not be interpreted to mean that handlers are required to keep an extra set of books if the necessary information can be included in their normal records.

Witnesses expressed concern that exposure of their books and records might reveal trade secrets. They indicated that only persons subject to the penalty provisions of section 310(c) of the act should have access to such records and reports. The record evidence indicates that the applicable provisions of the plan should be revised accordingly. Section 310(b) of the act with respect to record keeping states that handlers responsible for payment of assessments "shall maintain and make available for inspection by the Secretary such books and records as required by the plan and file reports at the time, in the manner, and having the content prescribed by the plan, to the end that information and data shall be made available to the Board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of this title or of any plan or regulation issued pursuant to this title." Therefore, the plan should be made consistent with the act by providing that handlers shall maintain and make available for inspection by the Secretary such books and records as may be required by the plan pursuant to regulations.

Information obtained from handlers' books and records should be kept confidential by employees of the Board and of the Department of Agriculture. Certain employees of the Board must have access to handlers' reports in order to attend to bookkeeping duties.

The record indicates certain information obtained from reports may be quite beneficial to the industry in general. The plan should provide, as does the act, that information obtained from handlers' reports should not be released other than on a composite basis, and such releases should not disclose information concerning individual handlers' operations. The act also provides, as should the plan, that the Secretary may direct publication of the name of any person violating the plan and the provision violated by such person.

Since a question could possibly arise with respect to compliance, it would be appropriate to provide in the plan that handlers be required to maintain records with respect to this plan for 2 years beyond the marketing year of their applicability. Such a 2-year period should afford an adequate and reasonable time for access to such records and should not impose an undue burden on handlers since such records are generally retained for a similar period for purposes of regular business operations.

(g) Section 1207.360, as hereinafter set forth, appeared in the notice of hearing as § 1207.345. Its provisions prohibit the use of assessment funds to influence government policy or action. The only exception permitted would be in recommending amendments to the plan. The record shows that the Board, as well as the Secretary, should be careful about keeping the Board from entering into contracts with organizations which engage in efforts to influence government action or policy.

Section 1207.361, *Right of the Secretary,* specifies that all fiscal matters, programs or projects, rules or regulations, reports or other substantive action proposed by the Board shall be submitted to the Secretary for his approval. These provisions are necessary and appropriate, as the Secretary is charged by law with the responsibility for the administration of the plan in accordance with the policy and provisions of the act.

The provisions of §§ 1207.362 through 1207.366, as hereinafter set forth, are generally included in programs of this type. Each of such sections sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the plan. These provisions are incidental to, and not inconsistent with, the terms and conditions of the act, and they are necessary to effectuate the other provisions of the plan. The substance of such provisions, therefore, should be included in the plan.

Rulings on briefs of interested parties. At the conclusion of the hearing, the Presiding Officer fixed August 9, 1971, as the final date for interested parties to file briefs with respect to the evidence adduced at the hearing and the findings and conclusions to be drawn therefrom.

Briefs were filed by the following: J. D. Hays, president, Alabama Farm Bureau Federation, Montgomery, Ala.; Raymond D. Jones, Pillsbury Co., Minneapolis, Minn., on behalf of the Instant Potato Products Association; Leland Beebe on behalf of the New York Farm Bureau, Glenmont, N.Y.; and John L. Baxter, Jr., Lamb-Weston, Inc., Portland, Oreg.

Every point in each of the briefs was carefully considered along with the record evidence in making the findings and reaching the conclusions herein set forth. Several of the recommendations and suggestions were adopted and the provisions of the plan have been revised accordingly. To the extent that any suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein they are denied on the basis of the facts found and stated in connection with this decision.

General findings. Upon the basis of the evidence introduced at the hearing and the record thereof it is found that:

(1) The proposed potato research and promotion plan and all of the terms and conditions thereof, as hereinafter set forth, will tend to effectuate the declared policy of the act; and

(2) All handling of potatoes as defined in the said plan, is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in potatoes and potato products; and

(3) The following terms and conditions of the plan are recommended as the detailed means of carrying out the declared policy of the act with respect to the establishment of an orderly procedure for the financing, through adequate assessments on potatoes harvested in the production area for commercial use, and carrying out of a program of research, development, advertising, and promotion.

DEFINITIONS

§ 1207.301 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1207.302 Act.

"Act" means the Potato Research and Promotion Act (title III of Public Law 91-670, 91st Congress, approved January 11, 1971, 84 Stat. 2041).

§ 1207.303 Plan.

"Plan" means this potato research and promotion plan issued by the Secretary pursuant to the act.

§ 1207.304 Person.

"Person" means any individual, partnership, corporation, association, or other entity.

§ 1207.305 Producer.

"Producer" means any person engaged in the growing of 5 or more acres of potatoes who owns or shares the ownership and risk of loss of such potato crop.

§ 1207.306 Potatoes.

"Potatoes" means any or all varieties of Irish potatoes grown by producers in

the 48 contiguous States of the United States.

§ 1207.307 Handle.

"Handle" means to grade, pack, process, sell, transport, purchase, or in any other way to place potatoes or cause potatoes to be placed in the current of commerce. Such term shall not include the transportation or delivery of field-run potatoes by the producer thereof to a handler for grading, storage, or processing.

§ 1207.308 Handler.

"Handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes, including a producer who handles potatoes of his own production.

§ 1207.309 Board.

"Board" means the National Potato Promotion Board, hereinafter established pursuant to § 1207.320.

§ 1207.310 Fiscal period and marketing year.

"Fiscal period" and "marketing year" mean the 12-month period from July 1 through June 30 of the following year or such other period which may be approved by the Secretary.

§ 1207.311 Programs and projects.

"Programs" and "projects" mean those research, development, advertising or promotion programs or projects developed by the Board pursuant to § 1207.335.

NATIONAL POTATO PROMOTION BOARD

§ 1207.320 Establishment and membership.

(a) There is hereby established a National Potato Promotion Board, hereinafter called the "Board," composed of producers selected by the Secretary from nominations submitted by producers in the various States or groups of States pursuant to § 1207.322.

(b) Membership on the Board shall be determined on the basis of the potato production set forth in the latest Crop Production Annual Summary Report issued by the Crop Reporting Board, U.S. Department of Agriculture. Each of the 48 contiguous States' membership shall be initially determined on the basis of one member for each 5 million hundredweight of production, or major fraction thereof, produced within such State. Each State initially shall be entitled to at least one member on the Board. The basis for determining the membership of future boards shall be determined by the Secretary upon recommendation of the Board.

(c) Any State in which the potato producers fail to respond to an officially called nomination meeting may be combined with an adjacent State for the purpose of representation on the Board, in which case the Board member selected by the Secretary will represent both States but his voting power under § 1207.325 shall not be increased.

(d) The Secretary, upon recommendation of the Board, may establish, through rule making procedure, districts or groups of States in order to change the representation requirements for membership on the Board. In such event the voting power of members under § 1207.325 would be based upon the total production within the new district or group of States.

§ 1207.321 Term of office.

(a) The term of office of Board members shall be 3 years, beginning July 1, or such other beginning date as may be approved pursuant to regulations.

(b) The terms of office of the Board's initial members shall be so determined that approximately one-third of the terms will expire each year, i.e., the terms of approximately one-third will be for 1 year, one-third for 2 years and one-third for 3 years.

(c) Board members shall serve during the term of office for which they are selected and have qualified, and until their successors are selected and have qualified.

(d) No member shall serve for more than two full successive terms.

§ 1207.322 Nominations and selection.

The Secretary shall select the members of the Board from nominations which may be made in the following manner.

(a) A meeting or meetings of producers shall be held in each State to nominate members for the Board. For nominations to the initial Board the meetings shall be announced by the U.S. Department of Agriculture. The Department may call upon other organizations to assist in conducting the meetings such as State and national organizations of potato producers. Such nomination meetings shall be held not later than 60 days after the issuance of this subpart. Any organization designated to hold such nomination meetings shall give adequate notice of such meetings to the potato producers affected; also to the Secretary so that a representative of the Secretary, if available, may conduct such meetings or act as secretary of such nomination meetings.

(b) After the establishment of the initial Board, the nominations for subsequent Board members shall be made by producers at meetings in the producing sections or States. The Board shall hold such meetings, or cause them to be held, in accordance with rules established pursuant to recommendation of the Board.

(c) Only producers may participate in designating nominees. Each producer is entitled to one vote only on behalf of himself, his partners, agents, subsidiaries, affiliates, and representatives for each position for which nominations are being held. If a producer is engaged in producing potatoes in more than one State, he shall elect the State in which he shall vote. In no event shall he vote in nominations in more than one meeting.

§ 1207.323 Acceptance.

Each person selected by the Secretary as a member of the Board shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 1207.324 Vacancies.

To fill any vacancy caused by the failure of any person selected as a member of the Board to qualify, or in the event of the death, removal, resignation, or disqualification of any member, a successor shall be nominated and selected in the manner specified in § 1207.322. In the event of failure to provide nominees for such vacancies, the Secretary may select other eligible persons.

§ 1207.325 Procedure.

(a) Each State (or district or group of States established pursuant to § 1207.320 (d)) which has a member on the Board shall be entitled to not less than one vote for any production up to 1 million hundredweight, plus one additional vote for each additional 1 million hundredweight of production, or major fraction thereof, as determined by the latest crop production annual summary report issued by the Crop Reporting Board, U.S. Department of Agriculture. The casting of the votes for each State shall be determined by the members of the Board from that State.

(b) A majority of the Board members shall constitute a quorum and any action of the Board shall require a majority of concurring votes of those present and voting. At assembled meetings all votes shall be cast in person or by duly authorized proxy.

(c) For routine and noncontroversial matters which do not require deliberation and the exchange of views, and for matters of an emergency nature when there is not enough time to call an assembled meeting, the Board may act upon a majority of concurring votes of its members cast by mail, telegraph, or telephone. Any vote cast by telephone shall be confirmed promptly in writing.

§ 1207.326 Compensation and reimbursement.

Members of the Board shall serve without compensation but shall be reimbursed for reasonable expenses incurred by them in the performance of their duties as members of the Board.

§ 1207.327 Powers.

The Board shall have the following powers subject to § 1207.361:

(a) To administer the provisions of this plan in accordance with its terms and conditions;

(b) To make rules and regulations to effectuate the terms and conditions of this plan;

(c) To receive, investigate, and report to the Secretary complaints of violations of this plan; and

(d) To recommend to the Secretary amendments to this plan.

§ 1207.328 Duties.

The Board shall, among other things, have the following duties:

(a) To meet and organize and to select from among its members a president and such other officers as may be necessary; to select committees and subcommittees of Board members; to adopt

such rules for the conduct of its business as it may deem advisable; and it may establish advisory committees of persons other than Board members;

(b) To employ such persons as it may deem necessary and to determine the compensation and define the duties of each; and to protect the handling of Board funds through fidelity bonds;

(c) At the beginning of each fiscal period, to prepare and submit to the Secretary for his approval a budget on a fiscal period basis of the anticipated expenses in the administration of this plan including the probable costs of all programs or projects and to recommend a rate of assessment with respect thereto;

(d) To develop programs and projects and to enter into contracts or agreements for the development and carrying out of programs or projects of research, development, advertising or promotion, and the payment of the costs thereof with funds collected pursuant to this plan;

(e) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the Board. Minutes of each Board meeting shall be promptly reported to the Secretary;

(f) To cause the books of the Board to be audited by a certified public accountant at least once each fiscal period, and at such other time as the Board may deem necessary. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. Two copies of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the Board for inspection by producers and handlers;

(g) To give the Secretary the same notice of meetings of the Board and its subcommittees as is given to its members;

(h) To act as intermediary between the Secretary and any producer or handler; and

(i) To furnish the Secretary such information as he may request.

RESEARCH AND PROMOTION

§ 1207.335 Research and promotion.

The Board shall develop and submit to the Secretary for approval any programs or projects authorized in this section. Such programs or projects shall provide for:

(a) The establishment, issuance, effectuation and administration of appropriate programs or projects for the advertising and promotion of potatoes and potato products: *Provided, however,* That any such program or project shall be directed toward increasing the general demand for potatoes and potato products;

(b) Establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient; *Provided,* That quality control, grade standards and supply management programs shall not be conducted under, or as a part of, this plan; and

(c) The development and expansion of potato and potato product sales in foreign markets.

(d) No advertising or promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products.

EXPENSES AND ASSESSMENTS

§ 1207.341 Budget and expenses.

(a) At the beginning of each fiscal period, or as may be necessary thereafter, the Board shall prepare and recommend a budget on a fiscal period basis of its anticipated expenses and disbursements in the administration of this plan, including probable costs of research, development, advertising, and promotion. The Board shall also recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures and to provide for a reserve as set forth in § 1207.344.

(b) The Board is authorized to incur such expenses for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the Board as are approved pursuant to § 1207.361.

§ 1207.342 Assessments.

(a) The funds to cover the Board's expenses shall be acquired by the levying of assessments upon handlers as designated in regulations issued by the Board. Such assessments shall be levied at a rate fixed by the Secretary which shall not exceed 1 cent per hundredweight of potatoes handled and not more than one assessment may be collected on any potatoes.

(b) Each designated handler, as specified in regulations, shall pay assessments to the Board on all potatoes handled by him, including potatoes he produced. Assessments shall be paid to the Board at such time and in such manner as the Board shall direct pursuant to regulations issued hereunder. The designated handler may collect the assessments from the producer, or deduct such assessments from the proceeds paid to the producer on whose potatoes the assessments are made, provided he furnishes the producer with evidence of such payment.

(c) The Board may authorize other organizations to collect assessments in its behalf.

(d) The Board may exempt potatoes used for nonfood purposes, other than seed, from the provisions of this plan and shall establish adequate safeguards against improper use of such exemptions.

§ 1207.343 Producer refunds.

Any producer who has paid an assessment under this plan and who is not in favor of supporting the research and promotion program as provided for in this plan shall have the right to demand and receive from the Board a refund of such assessment upon submission of proof satisfactory to the Board that he paid the assessment for which refund is sought. Any such demand shall be made personally by such producer on a form which he shall sign and within a time period prescribed by the Board pursuant to regulations. Such time period shall give the producer at least 90 days from the date of collection to submit the refund request form to the Board. Any such refund shall be made within 60 days after demand therefor. No handler shall be eligible for a refund except on potatoes produced by him.

§ 1207.344 Operating reserve.

The Board may establish an operating monetary reserve and may carry over to subsequent fiscal periods excess funds in a reserve so established: *Provided,* That funds in the reserve shall not exceed approximately two fiscal periods' expenses. Such reserve funds may be used to defray any expenses authorized under this part.

REPORTS, BOOKS, AND RECORDS

§ 1207.350 Reports.

Each designated handler shall maintain a record with respect to each producer for whom he handled potatoes and for potatoes handled which he himself producer. He shall report to the Board at such times and in such manner as it may prescribe by regulations such information as may be necessary for the Board to perform its duties under this part. Such reports may include, but shall not be limited to, the following:

(a) Total quantity of potatoes handled for each producer and for himself, including those which are exempt under the plan;

(b) Total quantity of potatoes handled for each producer and for himself subject to the plan and assessments, and

(c) Name and address of each person from whom he collected an assessment, the amount collected from each person, and the date such collection was made.

§ 1207.351 Books and records.

Each handler subject to this part shall maintain and make available for inspection by authorized employees of the Board and the Secretary, but not to persons not subject to the provisions of Section 310(c) of the act, such books and records as are appropriate and necessary to carry out the provisions of this plan and the regulations issued thereunder, including such records as are necessary to verify any reports required. Such records shall be maintained for at least 2 years beyond the marketing year of their applicability.

§ 1207.352 Confidential treatment.

All information obtained from such books, records, or reports shall be kept confidential by all employees of the Department of Agriculture and of the Board, and by all contractors and agents retained by the Board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the

direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving this plan. Nothing in this section shall be deemed to prohibit (1) the issuance of general statements based upon the reports of a number of handlers subject to this plan, which statements do not identify the information furnished by any person, or (2) the publication by direction of the Secretary, of the name of any person violating this plan, together with a statement of the particular provisions of this plan violated by such person.

MISCELLANEOUS

§ 1207.360 Influencing governmental action.

No funds collected by the Board under this plan shall in any matter be used for the purpose of influencing governmental policy or action except in recommending to the Secretary amendments to this subpart.

§ 1207.361 Right of the Secretary.

All fiscal matters, programs or projects, rules or regulations, reports, or other substantive action proposed and prepared by the Board shall be submitted to the Secretary for his approval.

§ 1207.362 Suspension or termination.

(a) The Secretary shall, whenever he finds that this plan or any provision thereof obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of the Board or of 10 percent or more of the potato producers to determine whether potato producers favor the termination or suspension of this plan. He shall suspend or terminate such plan at the end of the marketing year whenever he determines that its suspension or termination is favored by a majority of the potato producers voting in such referendum who, during a representative period determined by the Secretary, have been engaged in the production of potatoes and who produced more than 50 percent of the volume of the potatoes produced by the producers voting in the referendum.

§ 1207.363 Proceedings after termination.

(a) Upon the termination of this plan, the Board shall recommend not more than five of its members to the Secretary to serve as trustees for the purpose of liquidating the affairs of the Board. Such persons, upon designation by the Secretary, shall become trustees of all funds and property then in the possession or under control of the Board including claims for any funds unpaid or property not delivered or any other claim existing at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) carry out the obligations of the Board under any contracts or agreements entered into by it pursuant to this plan; (3) account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to such person or persons as the Secretary may direct; and (4) upon the request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person or persons full title and right to all of the funds, property, and claims vested in the Board of the trustees pursuant to this section.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this section shall be subject to the same obligation imposed upon the Board and upon the trustee.

(d) A reasonable effort shall be made by the Board or its trustees to return to producers any residual funds not required to defray the necessary expenses of liquidation. If it is found impractical to return such remaining funds to producers, such funds shall be disposed of in such manner as the Secretary may determine to be appropriate.

§ 1207.364 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this plan or of any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this plan or any regulation issued thereunder, or (b) release or extinguish any violation of this plan or any regulation issued thereunder, or (c) affect or impair any rights or remedies of the United States, or of the Secretary, or of any other person, with respect to any such violation.

§ 1207.365 Personal liability.

No member of the Board shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgments, mistakes, or other acts, either of commission or omission, as such member except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1207.366 Separability.

If any provision of this plan is declared invalid or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of this plan or applicability thereof to other persons or circumstances shall not be affected thereby.

Copies of this notice of recommended decision may be obtained from the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, or may be there inspected.

Dated: November 17, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-17029 Filed 11-19-71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 220]

SERVICE PROGRAMS FOR FAMILIES AND CHILDREN UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Referrals to the Work Incentive Program

Notice is hereby given that the regulation set forth in tentative form below is proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulation amends § 220.35 by revoking paragraph (a)(3) which imposes a specific order of priority for referral to the work incentive program.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within a period of 30 days from date of publication of this notice in the FEDERAL REGISTER. Comments received will be available for public inspection in Room 5121 of the Department's offices at 301 C Street SW., Washington, DC, on Monday through Friday of each week from 8:30 to 5 (area code 202-963-7361).

This amendment is to be issued under section 1102, 49 Stat. 647, 42 U.S.C. 1302.

Dated: October 22, 1971.

JOHN D. TWINAME,
Administrator, Social and
Rehabilitation Service.

Approved: November 10, 1971.

ELLIOT L. RICHARDSON,
Secretary.

Section 220.35 of Part 220 of Title 45 of the Code of Federal Regulations is amended by revoking paragraph (a)(3).

[FR Doc.71-16970 Filed 11-19-71;8:46 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGFR 71-136]

RADIOACTIVE MATERIALS

Notice of Proposed Rule Making

The Coast Guard is considering amending the dangerous cargoes regulations to adopt the procedures being proposed by the Hazardous Materials Regulations Board for the approval of certain radioactive materials, to prescribe certain transport controls for Fissile Class

III shipments, to provide for additional packaging for Fissile Radioactive Material authorized in 49 CFR 173.396 but previously not in 46 CFR 146.19–100, and relocating the requirements of 46 CFR 146.19–12, 146.19–18, and 146.19–20 into 146.10–100.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commandant (MHM), U.S. Coast Guard, Washington, D.C. 20590. Each person submitting comments should include his name and address, identify the notice (CGFR 71–136), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8306, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC.

The Coast Guard will hold an informal hearing on Tuesday, February 22, 1972, at 9:30 a.m. in Conference Room 8332, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. There will be no cross examination of persons presenting statements.

The Commandant will evaluate all communications received before February 29, 1972 and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

By a separate document published at page 22181 of this issue of the FEDERAL REGISTER, the Hazardous Materials Regulations Board of the Department of Transportation proposes amendments to Part 173 of Title 49, Code of Federal Regulations §§ 173.393, 173.394, 173.395, 173.396, and 173.427 which will transfer the administration of approvals for certain radioactive materials packages from the Department of Transportation to the U.S. Atomic Energy Commission (USAEC). For reasons fully stated in that document, the Board has proposed these changes to eliminate the present duplicate ministerial procedures for the issuance of special permits for packages which have been reviewed and approved by the U.S. Atomic Energy Commission.

The hazardous materials regulations of the Department of Transportation in title 49 apply to shippers by water, air, and land, and to carriers by air and land. The adoption of this proposed amendment to title 46 would make the proposal of the Hazardous Materials Regulations Board applicable to carriers by water.

The Coast Guard proposes to incorporate the substance of the Board's proposal in 46 CFR 146. Additionally certain controls must be adopted for fissile class III shipments before this ministerial procedure can be removed. These controls are unique to the marine mode.

In consideration of the forgoing, it is proposed that Part 146 be amended as follows:

1. By adding in Table of Contents of Part 146 the following:

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Subpart 146.19—Detailed Regulations Governing Radioactive Materials

Sec.

2. By revising § 146.05–12(f)(9) (v) and (vi) to read as follows:

§ 146.05–12 Originating shipping order, transfer shipping paper.

* * * * *

(f) * * *

(9) * * *

(v) For fissile class III shipments, the additional notations: "Warning—fissile class III shipment. Personnel handling and stowing this shipment must be advised to not load more than * * * packages per vehicle." (* * * to be replaced by appropriate number). "In any loading or stowage area, this shipment must be segregated by at least 20 feet from other packages bearing radioactive labels. For shipment by water only one fissile class III shipment is permitted in a hold."

(vi) For export shipments, a copy of any special permit or IAEA Certificate of Competent Authority (see § 146.19–106(b)) issued by the Department of Transportation for the package.

3. By adding § 146.19–1 (o) and (p) to read as follows:

§ 146.19–1 Radioactive materials; definition.

* * * * *

(o) As used in this subpart the abbreviation USAEC represents the U.S. Atomic Energy Commission, Washington, D.C. 20545. Applicable regulations of the USAEC are published in Title 10, Code of Federal Regulations, Part 171, and entitled "Packaging of Radioactive Materials for Transport." (These regulations are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.) Other publications of the USAEC may be obtained from the National Technical Information Center, U.S. Department of Commerce, Springfield, Va. 22151.

(p) As used in this subpart the abbreviation IAEA represents the International Atomic Energy Commission, Karnter Ring 11, Post Office Box 590, A–1011, Vienna, Austria, IAEA publications may be purchased in the U.S. from: Unipub, Inc., Post Office Box 433, New York, NY 10016. Regulations of IAEA are published as "Regulations for the Safe Transport of Radioactive Materials," 1967 Edition, Safety Series No. 6.

4. By adding § 146.19–10a to read as follows:

§ 146.19–10a U.S. Atomic Energy Commission approved packages; standard requirements and conditions.

Each shipper of a package containing radioactive material, which has been approved by the U.S. Atomic Energy Commission in accordance with § 146.19–12, 146.19–18, 146.19–20 or 146.19–100, shall also comply with the following:

(a) Before the first shipment of a package, containing radioactive material, which has been approved by the U.S. Atomic Energy Commission, for use by another person, each shipper shall register in writing with the USAEC, Division of Materials Licensing, his name and address, the name of the person to whom the USAEC approval is issued, and the approval number assigned to the package.

(b) Each shipper shall have a copy of the USAEC approval and any other documents referred to in the approval.

(c) Each shipper shall comply with all the terms and conditions stated in the USAEC approval.

(d) Each shipper shall mark the outside of each package with the package identification marking, indicated in the USAEC approval, in a durable and legible manner.

(e) The shipper shall note the package identification marking, indicated in the USAEC approval on each shipping paper, related to the shipment of a package containing radioactive material.

(f) Before the initial export shipment of a package containing radioactive material, the shipper shall furnish a copy of the applicable competent authority certificate to the foreign consignee and to the competent national authority of each country into or through which the package will be transported (see § 146.19–10(b)).

(g) If fissile class II radioactive materials are shipped, the shipper shall mark each package with the numerical value for the transport index.

(h) If fissile class III radioactive materials are shipped, each shipper shall comply with any vehicle limitation indicated in the USAEC approval.

(i) If fissile class III radioactive materials are shipped the shipper shall include in the shipping papers the statement as prescribed in § 146.05–12(f)(9)(v).

5. By adding § 146.19–10b to read as follows:

§ 146.19–10b International shipments and foreign-made packages; standard requirements and conditions.

(a) Each shipper of a package containing radioactive material, for which a certificate has been issued by a foreign competent authority and which is otherwise in compliance with §§ 146.19–12, 146.19–10, 146.19–20, and 146.19–100, shall also comply with the following:

(1) Before the first shipment of a package containing radioactive material, each shipper shall register his identity in writing with the Office of Hazardous

Materials, U.S. Department of Transportation, 400 Sixth Street SW., Washington, DC 20590, and furnish a copy of the foreign certificate or revalidation thereof, which is applicable to that package.

(2) The shipper shall mark the outside of each package containing radioactive material with the competent authority identification marking, indicated in the certificate or revalidation, in a durable and legible manner.

(3) Each shipper shall note the package identification marking, indicated in the certificate or revalidation on all shipping papers related to the shipment of a package containing radioactive material.

(4) Before the initial export shipment of a package containing radioactive material, the shipper shall furnish a copy of the certificate and any required revalidation to the competent national authority of each country into or through which the package will be transported.

(5) Each shipper shall furnish a copy of the certificate or revalidation to each carrier of fissile class III shipments, by any mode of transport.

(b) The designated competent national authority in the United States responsible for administering the requirements (Marginal C–6) of the International Atomic Energy Agency's (IAEA) "Regulations for the Safe Transport of Radioactive Materials," Safety Series No. 6, 1967 Edition, is:

Office of Hazardous Materials, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590.

(c) Any request for a competent authority certificate required by the IAEA regulations should be submitted in writing to the address given in paragraph (b) of this section. Request must be in duplicate and must contain all the information required by the applicable subsections of Marginal C–6 of the IAEA regulations.

6. In § 146.19–12 by deleting paragraph (d) and by revising paragraph (g) and the first line of paragraph (b) (3) to read as follows:

§ 146.19–12 Fissile radioactive material.

* * * * *

(b) * * *

(3) Additional packagings are listed in § 146.19–100 for not more than the following:

* * * * *

(d) [Deleted]

* * * * *

(g) Fissile class III shipments must be in accordance with the provisions of this paragraph, or in accordance with other procedures authorized by the Coast Guard.

(1) The shipper shall provide a knowledgable representative in attendance during the loading of fissile class III shipments to assure that nuclear criticality safety is maintained; or

(2) The shipper shall provide for special arrangements and/or instructions on the shipping papers to assure that nuclear criticality safety is maintained during loading.

(3) The carrier shall load only one fissile class III shipment in a hold and shall protect against loading, transportation or storing of that with other fissile materials.

(4) The carrier shall separate fissile class III shipment by at least 20 feet from other packages bearing the radioactive-yellow labels during handling and storing.

7. By revising § 146.19–18 to read as follows:

§ 146.19–18 Radioactive material in normal form.

Radioactive material in normal form in Type A, Type B, and large quantities must be packaged in authorized packages as listed in § 146.19–100 under radioactive materials, n.o.s.

8. By revising § 146.19–20 *Radioactive material in special form:*

§ 146.19–20 Radioactive material in special form.

Radioactive material in special form in Type A, Type B and large quantities must be packaged in authorized packages as listed in § 146.19–100.

9. By revising § 146.19–35(e) to read as follows:

§ 146.19–35 Stowage and handling aboard vessels.

* * * * *

(e) The carrier shall separate fissile class III shipment from other packages bearing radioactive-yellow labels during handling and stowage by at least 20 feet. The carrier must stow only one fissile class III shipment in any one hold.

* * * * *

§ 146.19–100 [Amended]

10. In § 146.19–100 *Table—Classification: Radioactive materials,* the entry "Fissile radioactive materials" is amended by revising the list of "Outside packaging" in columns 4, 5, 6, and 7, by revising Notes 1 and 2 and by adding Note 3 to read as follows:

Outside packaging:

Authorized for Type A quantities in normal or special form:

Metal packaging (DOT–6L, 6M). See Note 1.
Metal drums (DOT–5B, 5D, 6A, 6B, 6C, 6J, 6K, 17C, 17H, 42B, 42C). See Note 2.
Fiber drums (DOT–21C). See Note 2.
Wooden boxes (DOT–14, 15A, 15B, 15C, 15D, 19A, 19B). See Note 2.
Fiberboard boxes (DOT–12 series, 200-lb. test minimum, DOT 23F, 23H). See Note 2.
Cylinders (DOT–3, 4 series). See Note 2.
Metal-encased shielded packaging (DOT–55). See Note 2.
Type A general package (DOT–7A). See Note 2.
Foreign-made packagings bearing the symbol "Type A," for export and import shipments only. See Note 2.
Any other Type A or B packaging which also meets the pertinent requirements for fissile radioactive materials in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority certificate has been revalidated by the Department of Transportation.
Any other Type A or B packaging which also meets the standards for packaging for fissile radioactive materials in the regulations of the U.S. Atomic Energy Commission (10 CFR Part 71), and is approved by the U.S. Atomic Energy Commission.

Authorized for Type B quantities in normal or special form:

Metal packaging (DOT–6L, 6M). See Note 3.
Any other Type B packaging which also meets the standards for packaging for fissile radioactive materials in the regulations of the U.S. Atomic Energy Commission (10 CFR Part 71), and is approved by the U.S. Atomic Energy Commission.
Any other Type B packaging which also meets the pertinent requirements for fissile radioactive materials in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority certificate has been revalidated by the Department of Transportation.

NOTE 1: See § 146.19–12(b) (1) and (2) for limitations on contents.

NOTE 2: See § 146.19–12(b) (3) for limitations on contents.

NOTE 3: See § 146.19–12(c) (1) and (2) for limitations on contents.

11. In § 146.19–100 *Table—Classification: Radioactive materials,* the entry "Radioactive materials, special form" is amended by adding to the list of "Outside packaging" in columns 4, 5, 6, and 7:

(a) Under the heading "Authorized for Type B quantities":

Any other Type B packaging approved by the U.S. Atomic Energy Commission.
Any other Type B packaging which meets the pertinent requirements in the 1967 regulations of the International Atomic Energy Agency, and for which an appropriate certificate has been issued by a foreign competent authority.

(b) Under the heading "Authorized for large quantities":

Any other Type B packaging which meets the pertinent requirements for large quantities of radioactive materials in the regulations of the U.S. Atomic Energy Commission (10 CFR Part 71) and is approved by the U.S. Atomic Energy Commission.
Any other Type B packaging which meets the pertinent requirements for large quantities of radioactive materials in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority certificate has been revalidated by the Department of Transportation.

12. In § 146.19–100 *Table—Classification: Radioactive materials* the entry "Radioactive materials, n.o.s." is amended:

(a) In column 4 by striking out "Fiber drums (DOT–21)" and inserting "Fiber drums (DOT–21C)" in place thereof.

(b) In column 4 by striking out "Fiberboard boxes (DOT–12 series, 200-lb. test minimum)" and inserting "Fiberboard boxes (DOT–12 series (200-lb. test minimum), DOT–23F, 23H)" in place thereof.

(c) By striking out in columns 4, 5, 6, and 7 "For large quantities, see § 146.19–18" and by inserting in place thereof the following:

Any other Type B packaging approved by the U.S. Atomic Energy Commission.

Any other Type B packaging which meets the pertinent requirements in the 1967 regulations of the International Atomic Energy Agency, and for which an appropriate certificate has been issued by a foreign competent authority.

Authorized for large quantities:

Metal packaging (DOT–6M), authorized only for solid or gaseous radioactive materials which will not decompose up to 250° F. Radioactive thermal decay energy must not exceed 10 watts.

Any other Type B packaging which meets the pertinent requirements for large quantities of radioactive materials in the regulations of the U.S. Atomic Energy Commission (10 CFR Part 71) and is approved by the U.S. Atomic Energy Commission.

Any other Type B packaging which meets the pertinent requirements for large quantities of radioactive materials in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority certificate has been revalidated by the Department of Transportation.

(R.S. 4472, as amended; sec. 1, 19 Stat. 252, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: November 5, 1971.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.71–17039 Filed 11–19–71;8:52 am]

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 71–SW–4]

BELL MODELS 206A AND 206B HELICOPTERS

Proposed Airworthiness Directives

Amendment 39–1280 (36 F.R. 17493), AD 71–18–4, requires inspection of the main rotor blade for cracks or corrosion and repair, as necessary, on Bell Model 206A helicopters. After issuing amendment 39–1280, the agency certificated the Bell Model 206B which is equipped with the same main rotor blades, P/N 206–010–200–29, and is subject to the same operating conditions and environment as the Bell Model 206A. Therefore, the agency is considering amending Amendment 39–1280 to require the same main rotor blade inspection and repair on the 206B that is required for the 206A.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received on or before December 15, 1971, will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–1280 (36 F.R. 17493) AD 71–18–4, by changing the applicability paragraph to read as follows:

Applies to Bell Models 206A and 206B helicopters certificated in all categories, equipped with main rotor blades, P/N 206–010–200–29.

Issued in Fort Worth, Tex., on November 10, 1971.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.71–16967 Filed 11–19–71;8:45 am]

[14 CFR Part 91]

[Docket No. 11557; Notice No. 71–38]

ALTITUDE ALERTING SYSTEM OR DEVICE

Notice of Proposed Rule Making

The Federal Aviation Administration is considering an amendment to Part 91 of the Federal Aviation Regulations to increase the number of those operations excepted from the altitude alerting system requirements of § 91.51.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC–24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before January 19, 1972, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Current § 91.51 prohibits a person from operating a turbojet powered U.S. registered civil airplane after February 29, 1972, unless the airplane is equipped with an approved altitude alerting system or device that is in operable condition and meets the requirements of paragraph (b) of that section. However, paragraph (d) of § 91.51 permits certain operations to be conducted without the airplane being equipped with the required system or device in operable condition. The operations excepted are the ferrying of a newly acquired airplane to a place where the altitude alerting system or device can be installed, ferrying or continuance of a flight to a place where repairs are possible when breakdown has occurred, and the conduct of an airworthiness flight test during which time the instrument may be turned off.

Since the adoption of § 91.51, it has become apparent to the FAA that the current exception provision in paragraph (d) is too restrictive and should be broadened to encompass additional operations. Specifically, this proposal would add to paragraph (d) operations conducted with experimentally certificated airplanes, ferrying an airplane to a place outside the United States for the purpose of registering it in a foreign country, sales demonstration flights, and flights conducted for the purpose of training foreign flight crews in the operation of an airplane. In addition, the current exception for airworthiness flight tests, which permits such tests to be conducted with an altitude alerting system or device installed but not operative, would be amended by this proposal to permit the flight tests to be conducted without any system or device installed.

In consideration of the foregoing, it is proposed to amend § 91.51 of the Federal Aviation regulations as follows:

1. By amending paragraphs (a) and (d) of § 91.51 to read as follows:

§ 91.51 Altitude alerting system or device; turbojet powered civil airplanes.

(a) Except as provided in paragraph (d) of this section, no person may operate a turbojet powered U.S. registered civil airplane after February 29, 1972, unless that airplane is equipped with an approved altitude alerting system or device that is in operable condition and meets the requirements of paragraph (b) of this section.

* * * * *

(d) Paragraph (a) of this section does not apply to any operation of an airplane that has an experimental certificate or to the operation of an airplane for the following purposes:

(1) Ferrying a newly acquired airplane from the place where possession of it was taken to a place where the altitude alerting system or device is to be installed.

(2) Continuing a flight as planned to a place where repair or replacement can be made in the event that the altitude alerting system or device malfunctions or becomes inoperative.

(3) Ferrying an airplane with an inoperative altitude alerting system or device from a place where repair or replacement cannot be made to a place where they can be made.

(4) Airworthiness flight tests of the airplane.

(5) Ferrying an airplane to a place outside the United States for the purpose of registering it in a foreign country.

(6) Sales demonstration of the operation of the airplane.

(7) Training foreign flight crews in the operation of the airplane.

These amendments are proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 15, 1971.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[FR Doc.71-16966 Filed 11-19-71;8:45 am]

[14 CFR Part 103]

[Docket No. 11558; Notice No. 71-39]

TRANSPORTATION OF HAZARDOUS MATERIALS

Design Approvals for Radioactive Materials Packages

On January 8, 1971, the Hazardous Materials Regulations Board published Docket HM-73; Notice 71-1 (36 F.R. 292), proposing to transfer the administrative requirements for the approvals of certain radioactive materials packages from the Department of Transportation to the U.S. Atomic Energy Commission (USAEC). That notice further stated that it would be in the public interest and would not adversely affect safety in transportation to eliminate the present duplicative ministerial procedure of the issuance of special permits for packages which have been reviewed and approved by the U.S. Atomic Energy Commission.

As a result of the comments received and the d iscussion on page 22181 of this issue of the FEDERAL REGISTER, the Hazardous Materials Regulations Board is publishing a second notice of proposed rule making in Docket No. HM-73 incorporating several additional proposed changes needed to fully implement a transition from the present system of "special permit" issuances to the "AEC approvals".

In conjunction with the proposed changes by the Board to 49 CFR Part 173, this document proposes to amend 14 CFR Part 103 as follows:

(A) In § 103.19 paragraph (e) would be added to read as follows:

§ 103.19 Quantity limitations.

* * * * *

(e) No person may carry aboard a passenger-carrying aircraft any package of radioactive material which contains a large quantity of radioactivity (as defined in 49 CFR 173.389(b)), except as specifically approved by the Administrator.

(B) § 103.24 would be added to read as follows:

§ 103.24 Special requirements for fissile class III radioactive materials.

(a) No person may carry aboard any aircraft any package of fissile class III radioactive material (as defined in 49 CFR 173.389(a)(3)), except as follows:

(1) On a cargo-only aircraft which has been assigned for the sole use of the consignor for the specific shipment of fissile radioactive material. Instructions for such sole use must be provided for in special arrangements between the consignor and carrier, with instructions to that effect issued with shipping papers; or

(2) On any aircraft on which there are no other packages of radioactive material bearing either of the "radioactive" labels as described in 49 FCR 173.414; or

(3) In accordance with any other procedure specifically approved by the Administrator.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before February 29, 1972 will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h)).

Issued in Washington, D.C., on November 17, 1971.

JAMES F. RUDOLPH,
Board Member for the
Federal Aviation Administration.

[FR Doc.71-17038 Filed 11-19-71;8:52 am]

Hazardous Materials Regulations Board

[49 CFR Parts 173, 174, 175, 177]

[Docket No. HM-73; Notice No. 71-30]

TRANSPORTATION OF HAZARDOUS MATERIALS

Design Approvals for Radioactive Materials Packages

On January 8, 1971, the Hazardous Materials Regulations Board published Docket HM-73; Notice 71-1 (36 F.R. 292), proposing to transfer the administrative requirements for the approvals of certain radioactive materials packages from the Department of Transportation to the U.S. Atomic Energy Commission (USAEC). That notice further stated that it would be in the public interest and would not adversely affect safety in transportation to eliminate the present duplicative ministerial procedure of the issuance of special permits for packages which have been reviewed and approved by the U.S. Atomic Energy Commission.

Several comments were received by the Board, including those of the USAEC. The majority of the comments expressed support for the proposal. Several commenters qualified that support, requesting that additional information regarding concurrent changes be made to the USAEC regulations in conjunction with the DOT proposal.

One commenter indicated an objection to the proposal and questioned the advisability and need for changing the present division of responsibility between the USAEC and DOT. The commenter further stated that the proposal appears to be inconsistent with the intent of the Congress in amending the Transportation of Explosives Act of 1960. The amendment placed responsibility for regulating the transport of radioactive materials with the ICC. (That responsibility has since been transferred to the Department.) The Board has concluded that the proposal is not inconsistent with that amendment. Only the ministerial system for issuance of certain package design approvals is involved in the proposal. The Department would continue to be responsible for its regulatory role as directed by the Transportation of Explosives Act.

After further discussion with the USAEC, it has become apparent that several additional sections of the Hazardous Materials Regulations will be needed to fully implement a transition from the present system of "special permit" issuances to the "AEC approvals." The related requirements of the International Atomic Energy Agency's (IAEA) regulations concerning competent authority certifications of package design also need clarification.

Under the regulations proposed in this second notice, petitioners for TYPE B, Fissile, and large quantity packages would apply directly to the USAEC for package review, evaluation, and approval. The standards and requirements which must be met to obtain AEC approval are published in the USAEC Regulations (10 CFR Part 71). In a separate document on page 22184 of this issue of the FEDERAL REGISTER, the AEC is publishing a notice of proposed rule making to add procedures for review and approval of Type B packages to 10 CFR Part 71.

This proposal would require non-AEC licensees, including licensees of agreement states to which the AEC has transferred certain regulatory authority over radioactive material by formal agreement, and radium shippers in nonagreement states, to apply to the AEC for approval of Type B, fissile material, and large quantity packages. Non-AEC licensees, other than license-exempt contractors of the AEC, would apply to the AEC in the same manner as AEC licensees. These persons would be required to submit an application containing the information set forth in 10 CFR 71.21, 71.22, 71.23, and 71.24, to the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545. License-exempt AEC contractors would apply to the appropriate AEC field office.

The DOT requirements for the AEC approval proposed in this notice would, therefore, be satisfied by:

1. A license or license amendment issued by the AEC under 10 CFR Part 71; or

2. an administrative approval issued by the AEC's Division of Materials Licensing; or

3. an administrative approval issued to AEC license-exempt contractors by AEC Field Offices under AEC Manual Chapter 0529.

With the adoption of these proposed amendments, a fissile class III shipment would no longer require a special permit by regulation. However, the Board is concerned that the absence of special permits for fissile class III shipments may contribute or create an inability to identify these shipments by carrier personnel who must handle and stow them. A normal means of control by carriers of radioactive materials packages is through the transport index entry on the package label. Since fissile class III packages require special stowage controls based on the number of packages to be transported together, and since the package label does not convey this information, the Board believes that the additional warning statement proposed in § 173.427(a) must be added to the shipping papers for fissile class III shipments, to warn the carrier that he is to exercise special stowage controls on that shipment. This statement would therefore effectively replace the language formerly conveyed by certain provisions of the special permit.

This notice also contains a proposal to change the section of the regulations applicable to transport of fissile class III radioactive materials by aircraft. The proposed changes to § 173.396(g) are in response to a recent petition by the Air Transport Association of America. The petition stated that the present wording of § 173.396(g)(2) is impracticable for transportation of fissile class III shipments by air, and suggested that a new § 173.396(g)(3) be added which would be applicable to fissile class III shipments by air. The Board agrees with the Association's petition and accordingly has included proposed changes in the appropriate sections of the shipper and air carrier sections for fissile class III shipments.

In 14 CFR Part 103, the Board is also proposing to limit the transport of radioactive materials packages on passenger-carrying aircraft to those packages containing less than a large quantity of radioactive material (§ 173.389(b)), except as specifically approved on an individual shipment basis. This proposal is consistent with the present limitation appearing in the International Atomic Energy Agency's Regulations, the IATA Restricted Articles Regulations, and in the Air Tariff No. 6D.

Notice 71–1 is superseded by this second notice of proposed rule making.

In consideration of the foregoing, the Board proposes to amend 49 CFR Parts 171, 173, 174, 175, and 177 as follows:

PART 171—GENERAL INFORMATION AND REGULATIONS

In § 171.7 paragraphs (c) (12) and (13) and (d) (8) and (9) would be added to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(c) * * *

(12) IAEA: International Atomic Energy Agency, Karnter Ring 11, Post Office Box 590, A–1011, Vienna, Austria (IAEA publications may be purchased in the U.S. from: Unipub, Inc., Post Office Box 433, New York, N.Y. 10016).

(13) USAEC: U.S. Atomic Energy Commission, Washington, D.C. 20545. Regulations of the USAEC are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Other publications by the USAEC may be obtained from the National Technical Information Center, U.S. Department of Commerce, Springfield, Va. 22151.

(d) * * *

(8) IAEA "Regulations for the Safe Transport of Radioactive Materials," 1967 Edition, Safety Series No. 6.

(9) U.S. Atomic Energy Commission (USAEC).

(i) Title 10, Code of Federal Regulations, Part 71 is titled "Packaging of Radioactive Materials for Transport."

PART 173—SHIPPERS

(A) In part 173 table of contents, §§ 173.393a and 173.393b would be added to read as follows:

Sec.

173.393a U.S. Atomic Energy Commission approved packages; standard requirements and conditions.

173.393b International shipments and foreign-made packages; standard requirements and conditions.

(B) § 173.393a would be added to read as follows:

§ 173.393a U.S. Atomic Energy Commission approved packages; standard requirements and conditions.

(a) In addition to the applicable requirements of the USAEC approval and Parts 170–189 of this chapter, each shipper of a package containing radioactive material, which has been approved by the U.S. Atomic Energy Commission in accordance with §§ 173.394(b)(3) and (c)(2), 173.395(b)(2) and (c)(2), 173.396(b)(4), or § 173.396(c)(3), also shall comply with the following:

(1) Before the first shipment in a package approved by the U.S. Atomic Energy Commission for use by another person, each shipper shall register in writing with the USAEC, Division of Materials Licensing, his name and address, the name of the person to whom the USAEC approval was issued, and the approval number assigned to the package. Each shipper shall have a copy of the USAEC approval and the document referred to in the approval in his possession. All shipments must be made in compliance with the terms and conditions of the approval.

(2) The outside of each package must be durably and legibly marked with the package identification marking indicated in the USAEC approval.

(3) Each shipping paper related to the shipment of this package must bear a notation of the package identification marking indicated in the USAEC approval.

(4) Before the first export shipment of the package, the shipper shall furnish a copy of the applicable competent authority certificate to the foreign consignee and to the competent national authority of each country into or through which the package will be transported (see § 173.393b).

(5) Packages of fissile radioactive material must be marked with the numerical value for the transport index if the shipment is fissile class II. Any vehicle limitation indicated in the USAEC approval shall apply if the shipment is fissile class III.

(6) For fissile class III shipments the statement as prescribed in § 173.427(a)(5)(v) must be included with the shipping papers.

(C) § 173.393b would be added to read as follows:

§ 173.393b International shipments and foreign-made packages; standard requirements and conditions.

(a) In addition to the other applicable requirements of Parts 170–189 of this chapter, each shipper of a package containing radioactive material, for which the foreign competent authority certificate prescribed by § 173.394(b)(4) or § 173.395(b)(3) has been issued and has been revalidated if the requirements of §§ 173.394(c)(3), 173.395(c)(3), 173.396(b)(5), or § 173.396(c)(4) apply, also shall comply with the following:

(1) Before the first shipment of the package, each shipper shall register his identity and type of package in writing with the Office of Hazardous Materials, U.S. Department of Transportation, Washington, D.C. 20590, furnishing a copy of the foreign certificate or revalidation thereof which is applicable to that package.

(2) The outside of each package must be durably and legibly marked with the competent authority identification marking indicated on the certificate or revalidation.

(3) Each shipping paper related to the shipment of this package must bear a notation of the package identification marking indicated in the certificate or revalidation.

(4) Before the first export shipment of the package, the shipper shall furnish a copy of the applicable certificate and any required revalidation to the competent national authority of each country into

or through which the package will be transported.

(5) A copy of the certificate or revalidation must be furnished to each carrier for fissile class III shipments, by any mode of transport.

(b) The designated competent authority in the United States responsible for administering the requirements (marginal C–6) of the International Atomic Energy Agency's (IAEA) "Regulations for the Safe Transport of Radioactive Materials," Safety Series No. 6, 1967 edition, is:

Office of Hazardous Materials, U.S. Department of Transportation, Washington, D.C. 20590.

(c) Any request for a competent authority certificate required by the IAEA regulations should be submitted in writing to the address given in paragraph (b) of this section. This request must be in duplicate and must contain all the information required by the applicable subsection of marginal C–6 of the IAEA regulations.

(D) In § 173.394 paragraphs (b)(3) and (c)(2) would be amended; paragraphs (b)(4) and (c)(3) would be added to read as follows:

§ 173.394 Radioactive material in special form.

* * * * *

(b) * * *

(3) Any other type B packaging approved by the U.S. Atomic Energy Commission.

(4) Any other type B packaging which meets the pertinent requirements in the 1967 regulations of the International Atomic Energy Agency, and for which an appropriate certificate has been issued by a foreign competent authority.

(c) * * *

(2) Any other type B packaging which meets the pertinent requirements for large quantities of radioactive materials in the regulations of the U.S. Atomic Energy Commission (10 CFR Part 71) and is approved by the U.S. Atomic Energy Commission.

(3) Any other type B packaging which meets the pertinent requirements for large quantities of radioactive materials in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority certificate has been revalidated by the Department.

(E) In § 173.395 paragraphs (b)(2) and (c)(2) would be amended; paragraphs (b)(3) and (c)(3) would be added to read as follows:

§ 173.395 Radioactive material in normal form.

* * * * *

(b) * * *

(2) Any other type B packaging approved by the U.S. Atomic Energy Commission.

(3) Any other type B packaging which meets the pertinent requirements in the 1967 regulations of the International Atomic Energy Agency, and for which an appropriate certificate has been issued by a foreign competent authority.

(c) * * *

(2) Any other type B packaging for large quantities of radioactive materials which meets the pertinent requirements in the regulations of the U.S. Atomic Energy Commission (10 CFR Part 71) and is approved by the U.S. Atomic Energy Commission.

(3) Any other type B packaging which meets the pertinent requirements for large quantities of radioactive materials in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority certificate has been revalidated by the Department.

(F) In § 173.396 paragraphs (b)(4) and (c)(3) would be amended; paragraphs (b)(5) and (c)(4) would be added; paragraph (d) and note following would be canceled; the introductory text of paragraph (g) and paragraph (g)(2) would be amended; paragraph (g)(3) would be added to read as follows:

§ 173.396 Fissile radioactive material.

* * * * *

(b) * * *

(4) Any other type A or B packaging for fissile radioactive materials which also meets the pertinent standards for packaging in the regulations of the U.S. Atomic Energy Commission (10 CFR Part 71), and is approved by the U.S. Atomic Energy Commission.

(5) Any other type A or B packaging for fissile radioactive materials which also meets the pertinent requirements in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority certificate has been revalidated by the Department.

(c) * * *

(3) Any other type B packaging which also meets the standards for packaging for fissile radioactive materials in the regulations of the U.S. Atomic Energy Commission (10 CFR Part 71), and is approved by the U.S. Atomic Energy Commission.

(4) Any other type B packaging which also meets the pertinent requirements for fissile radioactive materials in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority certificate has been revalidated by the Department.

(d) [Canceled]

NOTE: [Canceled]

* * * * *

(g) Fissile class III shipments may be made only in accordance with subparagraph (1), (2), or (3) of this paragraph, or in accordance with other procedures authorized by the Department. The transport controls must provide nuclear criticality safety and shall be carried out by the shipper or carrier, as appropriate, to protect against loading, storing, or transporting of that shipment together with other fissile material.

* * * * *

(2) Except for shipments by aircraft, transportation under escort by a person in a separate vehicle, with the escort having the capability, equipment, authority, and instructions to provide administrative controls adequate to assure compliance with this paragraph.

(3) Transportation in a transport vehicle containing no other packages of radioactive material which bear either of the "Radioactive" labels described in § 173.414.

* * * * *

(G) In § 173.427 paragraphs (a)(5) (v) and (vi) would be amended to read as follows:

§ 173.427 Shipping papers.

(a) * * *

(5) * * *

(v) For fissile radioactive materials, the fissile class of the package(s). For fissile class III shipments, the additional notations: "Warning—Fissile Class III Shipment. Personnel handling and stowing this shipment must be advised to not load more than * * * packages per vehicle." (* * * to be replaced by appropriate number). "In any loading or stowage area, this shipment must be segregated by at least 20 feet from other packages bearing radioactive labels." If a fissile class III is to be transported by water the supplementary notation must also include the following statement: "For shipment by water only one fissile class III shipment is permitted in a hold."

(vi) For export shipments, a copy of any special permit or IAEA Certificate of Competent Authority (see § 173.393b) issued by the Department for the package.

PART 174—CARRIERS BY RAIL FREIGHT

In § 174.586 paragraph (h)(3) would be added to read as follows:

§ 174.586 Handling hazardous materials.

* * * * *

(h) * * *

(3) Fissile class III radioactive material shipments (as defined in § 173.389 (a)(3) of this chapter) must be transported in accordance with either of the methods as prescribed in § 173.396(g) of this chapter. The transport controls must be adequate to assure that no fissile class III shipment is transported in the same transport vehicle with any other fissile radioactive material shipments. In loading and storage areas each fissile class III shipment must be segregated by a distance of at least 20 feet from other packages bearing either of the "radioactive" labels described in § 173.414.

PART 175—CARRIERS BY RAIL EXPRESS

In § 175.655 paragraph (j)(4) would be added to read as follows:

§ 175.655 Protection of packages.

(j) * * *

(4) Fissile class III radioactive material shipments (as defined in § 173.389

(a)(3) of this chapter) must be transported in accordance with either of the methods as prescribed in § 173.396(g) of this chapter. The transport controls must be adequate to assure that no fissile class III shipment is transported in the same transport vehicle with any other fissile radioactive material shipments. In loading and storage areas each fissile class III shipment must be segregated by a distance of at least 20 feet from other packages bearing either of the "radioactive" labels described in § 173.414 of this chapter.

* * * * *

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

In § 177.842 paragraph (f) would be added to read as follows:

§ 177.842 Radioactive material.

* * * * *

(f) Fissile class III radioactive material shipments (as defined in § 173.389 (a)(3) of this chapter) must be transported in accordance with either of the methods as prescribed in § 173.396(g) of this chapter. The transport controls must be adequate to assure that no fissile class III shipment is transported in the same transport vehicle with any other fissile radioactive material shipments. In loading and storage areas each fissile class III shipment must be segregated by a distance of at least 20 feet from other packages bearing either of the "radioactive" labels described in § 173.414 of this chapter.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before February 29, 1972, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of Title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on November 17, 1971.

W. J. BURNS,
Chairman, Hazardous Materials Regulations Board.

[FR Doc.71-17037 Filed 11-19-71;8:52 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 71]

SHIPMENT OF RADIOACTIVE MATERIAL

Approval of Type B, Large Quantity and Fissile Material Packagings

On January 8, 1971, with the agreement of the Atomic Energy Commission, the Hazardous Materials Regulations Board of the Department of Transportation (DOT) published in the FEDERAL REGISTER a notice (Docket No. HM-73; Notice 71-1) proposing to transfer the administrative requirement for approvals of radioactive materials packages from the Department to the U.S. Atomic Energy Commission (AEC). Interested persons were invited to comment on the proposal within 60 days after publication of the notice in the FEDERAL REGISTER. After consideration of the comments and consultation with the AEC and the atomic energy industry, in a separate document published on page 22181, the DOT is publishing a revised notice of proposed rule making proposing amendments to 49 CFR Part 173 which would transfer the administrative requirement for approvals of radioactive materials packages to the AEC. The amendment would provide, inter alia, that DOT discontinue issuing special permits for packagings except for waivers or exemptions from DOT regulations and that shippers be required to have AEC approval for routine packaging for type B, large quantity, and fissile material shipments.

The proposed changes in 10 CFR Part 71 set out below would provide a means for implementing the transfer of packaging approvals from DOT to AEC by adding to Part 71, standards and requirements for AEC approval of type B packagings and describing the procedures for obtaining AEC approval of type B, large quantity, and fissile material packagings.

The provisions of Part 71, in effect since August 1966, require AEC licensees who wish to ship fissile material or large quantities of byproduct, source, or special nuclear material to apply to the AEC for a license or license amendment indicating AEC approval of the type of package to be used. The amendments published herein would require AEC licensees also to apply for a license or license amendment approving of the package to be used to deliver to a carrier type B quantities of radioactive material.

The proposed amendments to the DOT regulations, published concurrently, would require AEC approval of packagings, other than specification packagings prescribed in the DOT regulations, which are used to ship any quantity of fissile material, or more than a type A quantity (i.e., a type B or large quantity) of other radioactive material. AEC approval could be (1) a license (either specific or general) or license amendment issued under 10 CFR Part 71, (2) an administrative approval issued to AEC contractors by AEC field offices in accordance with standards and procedures published in the AEC manual, or (3) an approval issued by the AEC's Division of Materials Licensing to persons under DOT jurisdiction who are not AEC licensees. The latter category of non-AEC licensees would include, for example, agreement State licensees and radium shippers who wish to ship type B or large quantities of radioactive material.

To obtain AEC approval, all persons, other than AEC license-exempt contractors, would be required to submit an application to the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545. The contents of the application are set forth in §§ 71.21, 71.22, 71.23, and 71.24 of 10 CFR Part 71.

AEC license-exempt contractors would apply to the appropriate AEC field office for approval in accordance with the provisions of the AEC manual.

Provisions would be made for uninterrupted use of containers which have been in use under DOT special permits which are valid on the date the revised rule goes into effect. Each AEC licensee would be permitted to continue to use fissile material and large quantity packagings under the AEC license or license amendment which was issued to him by the AEC under 10 CFR Part 71. Under the proposed § 71.8, an AEC licensee using a type B container under a valid DOT special permit would be allowed to continue to use that container until the AEC acts on an application which he had submitted no later than 90 days after the effective date of the rule or the expiration date of the special permit, whichever date is later.

A non-AEC licensee, other than a license-exempt contractor, would be considered to have AEC approval for continued use of a type of packaging for which he had a DOT special permit in effect on the effective date of the amendments provided he submitted to the AEC a request for approval of that type of packaging within 90 days of the effective date or prior to the date on which the special permit expires, whichever date is later. This AEC approval would remain in effect until the application has been approved or rejected by the Commission.

The proposed amendment to the DOT regulations, published concurrently, would authorize the use of packaging approved by the AEC. The amendment to DOT regulations also would require each person using a design of packaging approved for use by another to register with AEC prior to first use and to comply with the conditions of the original approval. AEC licensees are already required to follow that same procedure under the conditions of the general license in § 71.7(b) of the AEC regulations.

Other changes being proposed in 10 CFR Part 71 are minor editorial changes, redesignation of some sections to bring together the exemption provisions, and addition of a new § 71.7 to exempt certain fissile materials from the nuclear criticality safety provisions of Part 71. Section 71.12, *Limited exemption for shipment of special nuclear material* would be deleted, since the authority granted by that section has expired.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 71 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of the notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, DC.

1. Paragraph (a) of § 71.1 of Part 71 is amended to read as follows:

§ 71.1 Purpose.

(a) This part prescribes procedures and standards for approval by the Atomic Energy Commission of packaging and shipping procedures for fissile material (uranium-233, uranium-235, plutonium-238, plutonium-239, and plutonium-241) and for quantities of licensed materials in excess of type A quantities, as defined in § 71.4(q), and prescribes certain requirements governing such packaging and shipping.

* * * * *

2. A new paragraph (q) is added to § 71.4 to read as follows:

§ 71.4 Definitions.

* * * * *

(q) "Type A quantity" and "Type B quantity" means a quantity of radioactive material the aggregate radioactivity of which does not exceed that specified in the following table:

Transport groups [Paragraph (p) of this section]	Type A quantity (in curies)	Type B quantity (in curies)
I	0.001	20
II	0.05	20
III	3	200
IV	20	200
V	20	5,000
VI and VII	1,000	50,000
Special form	20	5,000

3. An undesignated centerhead preceding § 71.5 is added to read as follows:

EXEMPTIONS

§ 71.5 [Redesignated]

4. Section 71.11 is redesignated § 71.5.

5. Section 71.5 is redesignated § 71.6, the heading is revised to read § 71.6 *Exemption for no more than Type A quantities,* and paragraph (b) is amended to read as follows:

§ 71.6 Exemption for more than Type A quantities.

* * * * *

(b) Packages each of which contains no more than a Type A quantity of radioactive material, as defined in § 71.4 (q), which may include one of the following:

(1) Not more than 15 grams of fissile material; or

(2) Thorium, or uranium containing not more than 0.72 percent by weight of fissile material; or

(3) Uranium compounds, other than metal (e.g., UF_4, UF_6, or uranium oxide in bulk form, not pelletted or fabricated into shapes) or aqueous[1] solutions of uranium, in which the total amount of uranium-233 and plutonium present does not exceed 1.0 percent by weight of the uranium-235 content, and the total fissile content does not exceed 1.00 percent by weight of the total uranium content; or

(4) Homogeneous hydrogenous[2] solutions or mixtures containing not more than:

(i) 500 grams of any fissile materials, provided the atomic ratio of hydrogen to fissile material is greater than 7600; or

(ii) 800 grams of uranium-235: *Provided,* That the atomic ratio of hydrogen to fissile material is greater than 5200, and the content of other fissile material is not more than 1 percent by weight of the total uranium-235 content; or

(iii) 500 grams of uranium-233 and uranium-235: *Provided,* That the atomic ratio of hydrogen to fissile material is greater than 5200, and the content of plutonium is not more than 1 percent by weight of the total uranium-233 and uranium-235 content; or

(5) Less than 350 grams of fissile material: *Provided,* That there is not more than 5 grams of fissile material in any cubic foot within the package.

6. A new § 71.7 is added to read as follows:

§ 71.7 Exemption for fissile material.

A licensee is exempt from requirements in §§ 71.33, 71.35(b), 71.36(b), 71.37, 71.38, 71.39, and 71.40 to the extent that he delivers to a carrier for transport packages each of which contains one of the following:

(a) Not more than 15 grams of fissile material; or

(b) Thorium, or uranium containing not more than 0.72 percent by weight of fissile material; or

(c) Uranium compounds, other than metal, (e.g., UF_4, UF_6, or uranium oxide in bulk form, not pelletted or fabricated into shapes) or aqueous[1] solutions of uranium, in which the total amount of uranium-233 and plutonium present does not exceed 1.0 percent by weight of the uranium-235 content, and the total fissile content does not exceed 1 percent by weight of the total uranium content; or

(d) Homogeneous hydrogenous[2] solutions or mixtures containing not more than:

(1) 500 grams of any fissile material, provided the atomic ratio of hydrogen to fissile material is greater than 7600; or

(2) 800 grams of uranium-235: *Provided,* That the atomic ratio of hydrogen to fissile material is greater than 5200, and the content of other fissile material is not more than 1 percent by weight of the total uranium-235 content; or

(3) 500 grams of uranium-233 and uranium-235: *Provided,* That the atomic ratio of hydrogen to fissile material is greater than 5200, and the content of plutonium is not more than 1 percent by weight of the total uranium-233 and uranium-235 content; or

(e) Less than 350 grams of fissile material: *Provided,* That there is not more than 5 grams of fissile material in any cubic foot within the package.

§ 71.12 [Deleted]

7. Section 71.12 is deleted.

8. Section 71.13 is redesignated § 71.8 and the heading and text are revised to read as follows:

§ 71.8 Limited exemption for shipment of Type B quantities of radioactive material.

A person delivering a Type B quantity of radioactive material, as defined in § 71.4(q), to a carrier for transport in accordance with the provisions of a special permit, which has been issued by the Department of Transportation and is in effect on (the effective date of this amendment), is exempt from the requirements in this part with respect to such shipments. The exemption granted by this section shall terminate on (3 months after the effective date of this amendment) or on the date on which the DOT special permit expires, whichever date is later, except as to activities described in an application for a license which the person has, prior to the termination date of the exemption, filed with the Commission. If the person has filed such an application, the exemption granted by this section shall continue until the application has been finally determined by the Commission.

9. An undesignated centerhead preceding § 71.9 is added to read as follows:

GENERAL LICENSES

10. Section 71.6 is redesignated as § 71.9 and paragraphs (a)(1) and (b)(1) are amended to read as follows:

[1] This applies to light water and does not apply to heavy water.

[2] This applies to light hydrogen and does not apply to heavy hydrogen (i.e., deuterium or tritium).

§ 71.9 General license for shipment of licensed material.

* * * * *

(a) * * *

(1) No single package contains more than a Type A quantity of radioactive material, as defined in § 71.4(q); and

* * * * *

(b) * * *

(1) No package contains more than a Type A quantity of radioactive material, as defined in § 71.4(q); and

* * * * *

11. Section 71.7 is redesignated § 71.10 and paragraph (a) is amended to read as follows:

§ 71.10 General license for shipment in DOT specification containers and in packages licensed for use by another licensee.

* * * * *

(a) In a specification container for fissile material as specified in § 173.396 (b) or (c) or for a Type B quantity of radioactive material as specified in § 173.394(b) or § 173.395(b), or for a large quantity of radioactive material as specified in § 173.394(c) or § 173.395(c) of the regulations of the Department of Transportation, 49 CFR Part 173; or

* * * * *

§§ 71.11, 71.12, 71.13 [Redesignated]

12. Sections 71.8, 71.9, and 71.10 are redesignated as §§ 71.11, 71.12, and 71.13, respectively.

13. The section heading and the first sentence of § 71.32 are amended to read as follows:

§ 71.32 Structural standards for Type B and large quantity packaging.

Packaging used to ship a Type B or a large quantity of radioactive material, as defined in § 71.4 (q) and (f), shall be designed and constructed in accordance with the structural standards of this section.

* * * * *

14. The introductory language of paragraph (a) and paragraph (c) of § 71.35 are amended to read as follows:

§ 71.35 Standards for normal conditions of transport for a single package.

(a) A package used for the shipment of fissile material or more than a Type A quantity of radioactive material, as defined in § 71.4(q), shall be so designed and constructed and its contents so limited that under the normal conditions of transport specified in Appendix A of this part:

* * * * *

(c) A package used for the shipment of more than a Type A quantity of radioactive material, as defined in § 71.4(q), shall be so designed and constructed and its contents so limited that under the normal conditions of transport specified in Appendix A of this part, the containment vessel would not be vented directly to the atmosphere.

15. The introductory language of paragraph (a) of § 71.36 is amended to read as follows:

§ 71.36 Standards for hypothetical accident conditions for a single package.

(a) A package used for the shipment of more than a Type A quantity of radioactive material, as defined in § 71.4(q), shall be so designed and constructed and its contents so limited that if subjected to the hypothetical accident conditions specified in Appendix B of this part as the Free Drop, Puncture, Thermal, and Water Immersion conditions in the sequence listed in Appendix B, it will meet the following conditions:

* * * * *

16. The introductory language of paragraph (a) of § 71.62 is amended to read as follows:

§ 71.62 Records.

(a) The licensee shall maintain for a period of 2 years after its generation a record of each shipment of fissile material or of more than a Type A quantity of radioactive material as defined in § 71.4(q), in a single package, showing, where applicable:

* * * * *

(Sec. 53, 62, 81, 161; 68 Stat. 930, 932, 935, 948, as amended; 42 U.S.C. 2073, 2092, 2111, 2201)

Dated at Germantown, Md., this 16th day of November 1971.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc.71-16969 Filed 11-19-71;8:51 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563]

[No. 71-1192]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Deferred Income With Respect to Mortgage Loans

NOVEMBER 15, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend § 563.23-1 of the rules and regulations for insurance of accounts (12 CFR 563.23-1) for the purposes of (1) permitting insured institutions to take into income at the time of sale or payoff of a loan any deferred acquisition credits or discount applicable to such loan, with respect to loans sold or paid in full on or after January 1, 1972; (2) permitting insured institutions to take into income during 1971 any deferred acquisition credits or discount applicable to loans sold or paid in full on or before December 31, 1971; and (3) requiring amortization of deferred acquisition credits or discount, with respect to a loan made or purchased after January 1, 1972, over a period of not less than 10 years. Accordingly, the Federal Home Loan Bank Board proposes to amend said § 563.23-1 by revising paragraphs (b), (d), and (e) and subparagraphs (8) and (9) of paragraph (g) thereof, to read as follows:

§ 563.23-1 Premiums, charges, and credits with respect to mortgage loans; sale of real estate owned; and related items.

* * * * *

(b) *Purchase at a discount.* If an insured institution purchases a mortgage loan at a discount, such discount shall be deferred by a credit to an account descriptive of deferred income and shall thereafter be credited to income, at least semiannually, on either a "straight-line" or a "level-yield" basis, over a period of not less than 7 years if the loan was purchased prior to January 1, 1972, or over a period of not less than 10 years if the loan was purchased on or after January 1, 1972.

* * * * *

(d) *Credits deferred.* Each acquisition credit subject to deferral, as hereinafter defined, shall be deferred by a credit to an account descriptive of deferred income and shall thereafter be credited to income, at least semiannually, on either a "straight-line" or a "level-yield" basis, over a period of not less than 7 years if such acquisition credit was received prior to January 1, 1972, or over a period of not less than 10 years if such acquisition credit was received on or after January 1, 1972.

(e) *Sale or payoff of loans.* (1) If a loan has been sold or paid in full on or before December 31, 1971, any deferred acquisition credits or discount applicable to such loan as of December 31, 1971, may be transferred as of such date to an appropriate income account.

(2) If a loan is sold or paid in full on or after January 1, 1972, any capitalized premium applicable to such loan as of the date of such sale or payment shall be transferred as of such date to an appropriate expense account, and any deferred acquisition credits or discount applicable to such loan as of the date of such sale or payment may be transferred as of such date to an appropriate income account. Any profit or loss to the institution on the sale of a loan shall be reflected as of the time of such sale in an appropriate income or expense account.

* * * * *

(g) *Definitions.* For the purposes of this section:

* * * * *

(8) The term "loss" means the amount by which the unpaid principal balance of a loan or the book value of real estate owned, at the time such loan or real estate is sold, exceeds the sale price of such loan or real estate.

(9) The term "profit" means the amount by which the sale price of a loan or real estate owned, at the time such loan or real estate is sold, exceeds the unpaid principal balance of such loan or the book value of such real estate.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank

Board, 101 Indiana Avenue NW., Washington, DC 20552, by December 10, 1971, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.71-17017 Filed 11-19-71;8:49 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 125, 225]

[Docket No. R-429]

PRESERVATION OF RECORDS AND PUBLIC UTILITIES AND LICENSEES, AND NATURAL GAS COMPANIES

Notice of Extension of Time

NOVEMBER 15, 1971.

On November 8, 1971, Transcontinental Gas Pipe Line Corp. filed a request for an extension of time within which to file comments to the notice of proposed rulemaking issued October 4, 1971 (36 F.R. 20052) in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including December 15, 1971, within which any interested person may submit data, views, comments or suggestions in writing in the above-designated matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-16990 Filed 11-19-71;8:47 am]

[18 CFR Parts 154, 157]

[Docket No. R-425]

AREA RATES FOR THE ROCKY MOUNTAIN AREA

Notice of Extension of Time

NOVEMBER 15, 1971.

On November 5, 1971, Amerada Hess Corp. et al., repondents in the above-designated matter, filed a motion requesting an extension of time within which to file responses to the original submittals to the notice instituting proposed rule making and order prescribing procedure, issued July 15, 1971 (36 F.R. 13586). The motion states that Commission Staff Counsel does not oppose the requested extension of time.

Upon consideration, notice is hereby given that the time is extended from November 26, 1971, to and including December 10, 1971, within which responses to the original submittals may be filed in the above-designated matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-16992 Filed 11-19-71;8:47 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 436]

DISCLOSURE REQUIREMENTS AND PROHIBITIONS CONCERNING FRANCHISING

Notice of Public Hearing and Opportunity To Submit Data, Views, or Arguments

Correction

In F.R. Doc. 71-16479, appearing at page 21607 in the issue of Thursday, November 11, 1971, the word "franchisor" appearing in the eighth line of § 436.2(a) should read "franchisee."

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[General Counsel Order 34-2]

CHIEF COUNSEL, INTERNAL REVENUE SERVICE

Delegation of Functions Relating To Economic Stabilization Matters

By virtue of the authority vested in me as General Counsel for the Department of the Treasury, including that delegated to me by Treasury Department Order No. 150-76, I hereby delegate to the Chief Counsel for the Internal Revenue Service the authority to issue rulings and to furnish legal advice to the Commissioner of Internal Revenue with respect to regulations and other guidance issued by the Cost of Living Council, Price Commission and Pay Board.

The authority delegated herein shall be exercised in consultation with the General Counsel, and with the approval of the General Counsel where actions to be taken can be expected to have a major impact on the stabilization programs. In addition, rulings which are to be published shall be referred to the General Counsel for approval before they are issued.

This order shall be effective at 12:01 a.m., November 14, 1971.

Dated: November 13, 1971.

[SEAL] SAMUEL R. PIERCE, Jr.,
General Counsel.

[FR Doc.71-17122 Filed 11-19-71;12:18 pm]

[Treasury Department Order No. 150-76]

COMMISSIONER OF INTERNAL REVENUE

Delegation of Authority Concerning Implementation of Stabilization of Prices, Rents, Wages, and Salaries

By virtue of the authority vested in me as Secretary of the Treasury, including that delegated to me by Cost of Living Council Order No. 5, Price Commission Order No. 1, and Pay Board Order No. 1, the authority delegated to me by those orders is hereby redelegated to the Commissioner of Internal Revenue except as to the authority set forth in section 1(c) of each of the orders relating to the issuance of rulings respecting the regulations and other guidance issued by the Cost of Living Council, Price Commission, and Pay Board, which is redelegated to the General Counsel of the Treasury. The authority vested in the Commissioner and the General Counsel by this order may be redelegated by them.

The authority delegated herein shall be exercised in consultation with the Secretary, and where major policy issues are involved, with the approval of the Secretary.

There is hereby established in the National Office of the Internal Revenue Service the Office of Assistant Commissioner (Stabilization). This Office is responsible for administering the service and compliance functions under the Economic Stabilization Act of 1970, as amended. Authority is also granted to establish appropriate additional supporting organizational structure at both the headquarters and field levels to carry out this responsibility.

Under the terms of section 3 of each of the Orders referred to above, all Treasury bureaus and organizations are available to assist the Internal Revenue Services in carrying out the responsibilities assigned by this delegation.

This order shall be effective at 12:01 a.m., November 14, 1971.

Dated: November 13, 1971.

[SEAL] JOHN B. CONNALLY,
Secretary of the Treasury.

[FR Doc.71-17084 Filed 11-19-71;8:52 am]

DIAMOND TIPS FOR PHONOGRAPH NEEDLES FROM UNITED KINGDOM

Determination of Sales at Less Than Fair Value

NOVEMBER 17, 1971.

Information was received on November 30, 1970, that diamond tips for phonograph needles from the United Kingdom were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of August 21, 1971.

I hereby determine that for the reasons stated below, diamond tips for phonograph needles from the United Kingdom are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based:

Information currently before the Bureau reveals that the proper basis of comparison is between purchase price or exporter's sales price, as appropriate, and home market price of such or similar merchandise.

Purchase price was calculated by deducting the cash discount and any included freight charges and U.S. duties from the price for exportation to the United States.

Exporter's sales price was calculated by deducting the cash discount, freight charges, and U.S. duty from the resale price of the related firm to the U.S. purchasers.

The home market price was calculated on the basis of a weighted average of home market prices or based on the home market price list, as appropriate. A deduction was made for the cash discount from some home market sales, as appropriate, in calculating the weighted average prices.

Purchase price or exporter's sales price, as appropriate, was found to be lower than the home market price of such or similar merchandise.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-17090 Filed 11-19-71;8:53 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFF LOUISIANA

Oil and Gas Lease Sale

Pursuant to section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1331 et seq.) and the regulations issued thereunder (43 CFR Part 3300) sealed bids addressed to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, T-9003 Federal Office Building, 701 Loyola Avenue, New Orleans, LA, or Post Office Box 53226, New Orleans, LA 70153, will be received until 9:30 a.m., c.s.t., on December 21, 1971, for the lease of oil and gas in certain areas of the Outer Continental Shelf adjacent to the State of Louisiana. Bids will be opened on that date at 10 a.m., c.s.t., in the Grand Ballroom, Sheraton Charles Hotel, 211 St. Charles Street, New Orleans, LA, for the group of tracts designated herein. The opening of bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time.

Bidders are notified that leases issued pursuant to this notice will be on Form 3300-1 (February 1971). Copies of the lease form are available from the above-listed Manager or the Manager, Eastern States Land Office, 7981 Eastern Avenue, Silver Spring, MD 20910.

Bidders are further notified that any lease issued for tracts Nos. La 2247,

2248, and 2249 will contain the following additional provisions:

"No structure for drilling or production may be erected within the leased area until the Regional Supervisor, Geological Survey, has found that the structure is necessary, on the basis of existing geologic and engineering data, for the proper exploration, development, and production of the tract. The lessee's exploratory and development plans, filed under 30 CFR 250.34, shall identify the anticipated placement and grouping of necessary structures, showing how such placement and grouping will have the minimum practicable effect on commercial fishing operations. The Regional Supervisor may decline to approve the installation of a structure at a site which he determines will unreasonably interfere with other uses of the area." Also any lease issued for Tracts Nos. La 2272, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292 will include the following provisions:

"During all drilling and production activities on the leasehold, the lessee shall maintain, or have available under contract, adequate oil containment and cleanup equipment approved by the Regional Supervisor at a readily accessible site. Within 12 hours after the occurrence of a significant oil spill, as determined by the Regional Supervisor, the lessee shall have such equipment in use at the site of the oil spill, unless, because of weather and attendant safety of personnel, the Regional Supervisor shall modify this requirement. The lessee shall monitor all drilling and production activities either with personnel in the immediate field area or by remote surveillance methods. The proposed method of monitoring and any proposed changes thereof shall be approved by the Regional Supervisor."

On December 21, 1971, bids may be delivered in person to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, only at the Grand Ballroom in the Sheraton Charles Hotel between 8:30 a.m., c.s.t., and 9:30 a.m., c.s.t. Bids delivered by mail or in person after 9:30 a.m., c.s.t., on that date will be returned to the bidders unopened.

All bids must be submitted in accordance with applicable regulations, particularly 43 CFR 3302.2, 3302.4, and 3302.5. Each bidder must submit the certification required by 41 CFR 60–1.7(b) and Executive Order No. 11246 of September 24, 1965, on Form 1140–1 (November 1969) and Form 1140–7 (July 1971). Bidders are advised that all leases granted pursuant to this notice will include in their provisions a "Certification of Nonsegregated Facilities," and that, in submitting their bids, bidders are deemed to have agreed to the inclusion of this certification in any lease issued to them hereunder.

Bids may not be modified or withdrawn unless written modifications or withdrawals are received prior to the end of the period fixed for the filing of bids. Bidders are warned against violation of section 1860 of title 18 U.S.C. prohibiting unlawful combination or intimidation of bidders. Attention is directed to the nondiscrimination clauses in section 3 (h) and (i) of the lease agreement, Form 3300–1 (February 1971). Bidders must submit with each bid one-fifth of the amount bid in cash or by cashier's check, bank draft, certified check or money order, payable to the order of the Bureau of Land Management.

Bidders are notified that any cash, checks, drafts, or money orders submitted with their bids may be deposited in an unearned escrow account in the Treasury during the period their bids are being considered, and that such deposit does not constitute, and shall not be construed as, acceptance of any bid on behalf of the United States. The leases will provide for a royalty rate of one-sixth, and yearly rental or minimum royalty of $3 per acre or fraction thereof. The successful bidder will be required to pay the remainder of the bid and the first year's rental of $3 per acre or fraction thereof and furnish an acceptable surety bond as required in 43 CFR 3304.1 prior to the issuance of each lease.

Bids will be considered on the basis of the highest cash bonus offered for a tract. The United States reserves the right and discretion to reject any and all bids, regardless of the amount offered. Oil payment, overriding royalty, logarithmic or sliding scale bids will not be considered. No bid for less than a full tract, as listed below, will be considered.

A separate bid, in a separate envelope, must be submitted for each tract. The envelope should be endorsed "Sealed Bid for oil and gas lease, Louisiana (insert number of tract) not to be opened until 10 a.m., c.s.t., December 21, 1971."

Official leasing maps in a set of 26, which contains the maps for the areas in which the tracts being offered for lease may be located, can be purchased for $5 per set. The official leasing maps and copies of the Compliance Report Certification Form 1140–1 (November 1969) and copies of the Affirmative Action Program Representation Form 1140–7 (July 1971) may be obtained from the above listed Manager or Manager, Eastern States Land Office, 7981 Eastern Avenue, Silver Spring, MD 20910.

The tracts offered for bid are as follows:

LOUISIANA

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 5

(Approved June 8, 1954; Revised Apr. 28, 1966; July 22, 1968)

Ship Shoal Area

Tract No.	Block	Description	Acreage
La. 2247	98	All	5,000
La. 2248	110	All	5,000
La. 2249	160	All	5,000
La. 2250	202	All	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 5A

(Approved Sept. 8, 1959; Revised Apr. 28, 1966)

Ship Shoal Area—South Addition

La. 2251	320	All	5,000
La. 2252	326	All	5,000
La. 2253	338	All	5,000
La. 2254	343	All	5,000
La. 2255	344	All	5,000
La. 2256	345	All	5,000
La. 2257	359	All	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 6

(Approved June 8, 1954; Revised July 22, 1954; Dec. 9, 1954; Apr. 28, 1966)

South Timbalier Area

La. 2258	195	All	5,000
La. 2259	202	All	3,772.18

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 6A

(Approved Sept. 8, 1959; Revised Apr. 28, 1966; July 22, 1968)

South Timbalier Area—South Addition

La. 2260	217	All	5,000
La. 2261	314	All	5,000
La. 2262	315	All	4,457.74
La. 2263	316	All	4,434.96

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 7

(Approved June 8, 1954; Revised Apr. 28, 1966)

Grand Isle Area

La. 2264	63	All	5,000
La. 2265	65	All	5,000
La. 2266	67	All	5,000
La. 2267	69	All	5,000
La. 2268	76	All	5,000
La. 2269	84	All	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 7A

(Approved Sept. 8, 1959; Revised Mar. 7, 1961; Apr. 28, 1966)

Grand Isle Area—South Addition

La. 2270	94	All	4,532.89
La. 2271	95	All	4,532.89

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 8

(Approved June 8, 1954; Revised Apr. 28, 1966)

West Delta Area

La. 2272	35	All[1]	1,833
	36	E½[1]	
La. 2273	59	W½[2]	1,445
La. 2274	63	N½	1,832.535
La. 2275	101	All	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 8A

(Approved Sept. 8, 1959; Revised Nov. 24, 1961; Apr. 28, 1966)

West Delta Area—South Addition

La. 2276	113	All	5,000
La. 2277	124	All	5,000
La. 2278	143	All	5,000
La. 2279	149	All	5,000
La. 2280	154	All	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 9

(Approved June 8, 1954; Revised July 22, 1954; Apr. 28, 1966)

South Pass Area

La. 2281	46	All[3]	2,712.00
La. 2282	47	All[3]	4,531.24
La. 2283	48	All	4,999.56
La. 2284	49	All	4,999.56
La. 2285	51	All	4,999.56
La. 2286	52	All	4,999.56
La. 2287	53	All	4,999.56
La. 2288	56	All[3]	2,288.62
	57	All[3]	

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 9A

(Approved Sept. 8, 1959; Revised Apr. 28, 1966)

South Pass Area—South and East Addition

La. 2289	75	All	5,000
La. 2290	76	All	5,000
La. 2291	77	All[3]	4,807.63
La. 2292	78	All[3]	2,647.72
La. 2293	82	All	5,000
La. 2294	83	All	5,000
La. 2295	96	All	5,000

See footnotes at end of tables.

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 10
(Approved June 8, 1954; Revised July 22, 1954; Apr. 28, 1966)

Main Pass Area

La. 2296	60	All [3]	4,539.63
La. 2297	61	All [3]	3,776.59
La. 2298	138	All	4,994.55
La. 2299	139	All	4,994.55
La. 2300	140	All	4,994.55
La. 2301	141	All	4,994.55
La. 2302	146	All	4560.81
La. 2303	149	All	4999.96
La. 2304	150	All	4999.96

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 10A
(Approved Sept. 8, 1959; Revised Apr. 28, 1966)

Main Pass Area—South and East Addition

La. 2305	219	All	4994.55
La. 2306	220	All	4994.55
La. 2307	221	All	4994.55
La. 2308	222	All	4994.55
La. 2309	223	All	4994.55
La. 2310	245	All	4994.55
La. 2311	240	All	4994.55
La. 2312	247	All	4994.55
La. 2313	261	All	4994.55
La. 2314	262	All	4994.55
La. 2315	263	All	4994.55
La. 2316	280	All	4994.55
La. 2317	281	All	4994.55
La. 2318	282	All	4994.55
La. 2319	302	All	4999.96
La. 2320	303	All	4999.96
La. 2321	304	All	4999.96
La. 2322	309	All	4999.96
La. 2323	310	All	4999.96
La. 2324	311	All	4999.96

[1] Portion in Zone 2 only, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.
[2] Portion in Zone 3 only, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.
[3] That portion which is more than 3 geographical miles seaward from the line described in paragraph 1 of the Supplemental Decree of the U.S. Supreme Court entered Dec. 13, 1965 in the United States v. Louisiana No. 9 Original (382 U.S. 288).

Some of the tracts offered for lease may fall in fairway areas (including the prolongations thereof) or anchorage areas, or both, as designated by the District Engineer, New Orleans District, Corps of Engineers, U.S. Army. For the location of these areas and for operational restrictions imposed by the Agency, the District Engineer should be consulted.

Leases issued pursuant to this notice for lands which are on the date of their issuance, or are thereafter adjudicated to be subject to the exclusive jurisdiction and control of the United States, will be subject to all rules and regulations which the Secretary of the Interior is authorized to prescribe and administer under the Outer Continental Shelf Lands Act (43 U.S.C. secs. 1331–1343) including rules and regulations for the prevention of waste and for conservation of the natural resources of the Outer Continental Shelf. The protection of correlative rights therein will be administered by the Secretary of the Interior in accordance with such rules and regulations.

In the event a cooperative agreement is concluded between the Secretary and the Conservation Agency of the State of Louisiana with respect to enforcement of conservation laws, rules, and regulations pursuant to section 5 of the Act, the lessee will be given notice thereof by publication in the FEDERAL REGISTER.

It is suggested that bidders submit their bids in the following form:

Manager, Bureau of Land Management, Department of the Interior, Post Office Box 53226, T–9003 Federal Office Building, New Orleans, LA 70163.

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on the land of the Outer Continental Shelf specified below:

Area _____; Official Leasing Map No. _____

Tract No.	Total amount bid	Amount per acre	Amount submitted with bid

_____
(Signature)
(Please type signer's name under signature)

No. Misc. No. _____
Percent _____
(Company)
_____
(Address)

IMPORTANT

The bid must be accompanied by one-fifth of the total amount bid. This amount may be cash, money order, cashier's check, certified check, or bank draft. A separate bid must be made for each tract.

GEORGE L. TURCOTT,
Acting Director.
Bureau of Land Management.

Approved:

ROGERS C. B. MORTON,
Secretary of the Interior.

[FR Doc.71–16954 Filed 11–19–71;8:45 am]

Geological Survey

[Power Site Cancellation 288]

LAKE ARROWHEAD VICINITY, CALIF.

Cancellation of Power Site

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31) and 220 Departmental Manual 6.1, Power Site Classification 96 of May 2, 1925, is hereby canceled to the extent that it affects the following described land:

SAN BERNARDINO MERIDIAN

All portions of the following described lands lying within 50 feet of the centerline of the right-of-way for a transmission line as shown on a blueprint map filed in the General Land Office under 287688 Forest Service, and a permit for which was granted by the U.S. Department of Agriculture, April 9, 1912, to the Arrowhead Reservoir and Power Co.:

T. 2 N., R. 3 W.,
Sec. 11, S½SW¼;
Sec. 13, lot 9;
Sec. 16, NW¼NE¼, E½NW¼, SW¼NW¼, and NW¼SW¼.
T. 2 N., R. 4 W.,
Sec. 24, W½NE¼;
Sec. 26, NW¼NW¼;
Sec. 27, lots 3 and 4, SE¼NW¼, and N½SW¼;
Sec. 34, SE¼SE¼.

The area described aggregates about 47 acres.

W. A. RADLINSKI,
Acting Director.

NOVEMBER 15, 1971.

[FR Doc.71–17000 Filed 11–19–71;8:48 am]

[Power Site Cancellation 273]

SAN GABRIEL RIVER BASIN, CALIF.

Cancellation of Power Site

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31) and 220 Departmental Manual 6.1, Power Site Classification 79 of July 3, 1924, is hereby canceled to the extent that it affects the following described land:

SAN BERNARDINO MERIDIAN

T. 2 N., R. 9 W.,
Sec. 21, lot 2.

All lands within 50 feet of the marginal limits of the canals, pipelines, tunnels, or other power structures of H. W. O'Melveny, trustee, as shown on a right-of-way map approved by the Secretary of the Interior, June 23, 1897, or of the Electric Power Co. of Los Angeles as shown on a right-of-way map approved by the Secretary of the Interior, April 9, 1904, or of their successors in interest within the following described tracts:

T. 2 N., R. 8 W.,
Sec. 7, NW¼NE¼;
Sec. 15, S½S½NW¼SW¼, and SW¼SW¼;
Sec. 16, NW¼SW¼ and S½S½;
Sec. 17, NW¼NE¼, S½NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 18, N½NE¼;
Sec. 21, NE¼NE¼.
T. 1 N., R. 9 W.,
Sec. 5, SW¼NW¼ and NW¼SW¼;
Sec. 6, lots 1 and 2, S½NE¼, N½SE¼, and SE¼SE¼;
Sec. 7, lot 2, NE¼NE¼, SE¼NW¼NE¼, N½SW¼NE¼, SE¼NE¼NW¼, N½SE¼NW¼, SE¼NE¼SW¼, and E½SE¼SW¼;
Sec. 18, lot 1 and NE¼NW¼.
T. 2 N., R. 9 W.,
Sec. 4, lots 4, 5, 11, and 12, N½SW¼, and SW¼SW¼;
Sec. 5, lot 1;
Sec. 8, E½NE¼;
Sec. 9, NW¼NW¼; S½N½, and N½SE¼;
Sec. 10, NW¼SW¼ and S½SW¼;
Sec. 15, W½NE¼, N½NW¼, and SE¼NW¼;
Sec. 17, S½NW¼ and W½SW¼;
Sec. 18, lot 4, E½SW¼, N½SE¼, and SE¼SE¼;
Sec. 19, E½NE¼;
Sec. 20, NW¼NW¼, S½N½, NE¼SW¼, and N½SE¼;
Sec. 21, lots 1 to 4, inclusive;
Sec. 28, NE¼NW¼;
Sec. 29, E½NE¼, NE¼SE¼, and SW¼SE¼;
Sec. 31, NE¼SE¼ and S½SE¼;
Sec. 32, N½SW¼ and SW¼SW¼.
T. 3 N., R. 9 W.,
Sec. 31, lots 2 and 3, NE¼SW¼, and N½SE¼;
Sec. 32, NW¼SW¼ and S½S½;
Sec. 33, SW¼SW¼.
T. 1 N., R. 10 W.,
Sec. 11, E½SE¼;
Sec. 12, S½N½ and NW¼SW¼.
T. 2 N., R. 10 W.,
Sec. 11, N½SE¼ and SE¼SE¼;
Sec. 13, SW¼NE¼, NW¼, W½SE¼, and SE¼SE¼;
Sec. 14, NE¼NE¼.

T. 3 N., R. 10 W.,
Sec. 25, N½SE¼ and SW¼SE¼;
Sec. 36, NW¼NE¼.

The area described aggregates about 322 acres.

W. A. RADLINSKI,
Acting Director.

NOVEMBER 15, 1971.

[FR Doc.71-16999 Filed 11-19-71;8:48 am]

National Park Service

BRYCE CANYON, GRAND CANYON (NORTH RIM), AND ZION NATIONAL PARKS

Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Utah Parks Co. authorizing it to provide concession facilities and services for the public at Bryce Canyon, Grand Canyon (North Rim), and Zion National Parks, Utah and Arizona, for a period of one (1) year from January 1, 1972 through December 31, 1972.

The National Park Service has determined that it is in the best interest of the United States to extend the expiring contract in order to provide continuity of operation and services to the public while planning is completed for the future operation of the concession facilities.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Office of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

LAWRENCE C. HADLEY,
Assistant Director,
National Park Service.

NOVEMBER 11, 1971.

[FR Doc.71-17001 Filed 11-19-71;8:48 am]

Office of the Secretary

WILLIAM A. DAVIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of November 3, 1971.

Dated: November 3, 1971.

WILLIAM A. DAVIS.

[FR Doc.71-17002 Filed 11-19-71;8:48 am]

FRANK DRAKE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) Delete—Director Mississippi Valley Association.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of October 31, 1971.

Dated: November 4, 1971.

FRANK T. DRAKE.

[FR Doc.71-17003 Filed 11-19-71;8:48 am]

DONALD B. GREGG

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of October 14, 1971.

Dated: October 28, 1971.

DONALD B. GREGG.

[FR Doc.71-17004 Filed 11-19-71;8:48 am]

EDWARD GLASS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of October 25, 1971.

Dated: October 25, 1971.

E. C. GLASS.

[FR Doc.71-17005 Filed 11-19-71;8:49 am]

ERNEST H. HILL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Delete Producers Finance Co.; add National Securities, Inc.; add ISC Industries, Inc.
(3) No change.
(4) No change.

This statement is made as of November 8, 1971.

Dated: November 8, 1971.

ERNEST H. HILL.

[FR Doc.71-17006 Filed 11-19-71;8:49 am]

EVAN W. JAMES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Purchase of:

Pacific Gas & Electric Co.—preferred stock.
Wisconsin Power & Light Co.—preferred stock.
Wisconsin Electric Power Co.—preferred stock—7.75 percent (second purchase).

(3) No change.
(4) No change.

This statement is made as of October 20, 1971.

Dated: October 27, 1971.

E. W. JAMES.

[FR Doc.71-17007 Filed 11-19-71;8:49 am]

JACK P. LEWIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of October 26, 1971.

Dated: October 26, 1971.

JACK P. LEWIS.

[FR Doc.71-17008 Filed 11-19-71;8:49 am]

NICHOLAS A. RICCI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Delete: Massachusetts Investors Trust; CNA Financial Co.
Add: Weight Watchers; Purepac Labs.
(3) No change.
(4) No change.

This statement is made as of October 25, 1971.

Dated: October 26, 1971.

N. A. RICCI.

[FR Doc.71-17009 Filed 11-19-71;8:49 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Docket No. SH-301]

SUGAR BEETS

Notice of Hearings on Wages and Prices and Designation of Presiding Officers

Pursuant to the authority contained in subsections (c)(1) and (c)(2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that public hearings will be held as follows:

At San Francisco, Calif., on December 6, 1971, in Room 13450, Federal Building, 450 Golden Gate Avenue, beginning at 9:30 a.m.;

At Moorhead, Minn., on December 8, 1971, in the Minnesota Room of the Holiday Inn, Highways 75 and I-94, beginning at 2 p.m.;

At Ann Arbor, Mich., on December 10, 1971, at Weber's Inn, 3050 Jackson Road, beginning at 9:30 a.m.;

At San Benito, Tex., on December 15, 1971, in the Community Building, 210 East Heywood, beginning at 9:30 a.m.;

At Salt Lake City, Utah, on December 17, 1971, in Room B-20, New Federal Building, 125 South State Street, beginning at 9:30 a.m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Administrator, Agricultural Stabilization and Conservation Service, in determining (1) pursuant to the provisions of section 301(c)(1) of the Act, whether the wage rates established for sugar beet fieldworkers in the wage determination which became effective April 12, 1971 (36 F.R. 5901 and 36 F.R. 6734), continue to be fair under existing circumstances, or whether such determination should be amended; and (2) pursuant to the provisions of section 301(c)(2) of the Act, fair and reasonable prices for the 1972 crop of sugar beets to be paid, under purchase or toll agreements, by producers who process sugar beets grown by other producers and who apply for payments under the Act.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

The hearings, after being called to order at the times and places mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearings by the presiding officers.

T. O. Murphy, L. L. Sommerville, R. R. Stansberry, C. F. Denny, J. E. Agnew, and T. M. Popp are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Signed at Washington, D.C. on November 17, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-17034 Filed 11-19-71;8:51 am]

Packers and Stockyards Administration

NORTHWOOD LIVESTOCK SALES CO., ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting
Northwood Livestock Sales Co., Northwood, Iowa, May 19, 1959.
Herington Livestock Auction Co., Inc., Herington, Kans., Mar. 31, 1950.
Knox County Stockyards, Inc., Barbourville, Ky., Dec. 8, 1959.
Farmers Live Stock Sales, Inc., Louisa, Ky., Sept. 22, 1965.
Highway 84 Stockyard, Laurel, Miss., June 17, 1970.
Menard County Commission Company, Inc., Menard, Tex., Apr. 2, 1957.
Beetown Livestock Market, Beetown, Wis., May 27, 1966.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER (11-20-71).

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.).

Done at Washington, D.C., this 16th day of November 1971.

EDWARD L. THOMPSON,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.71-17033 Filed 11-19-71;8:51 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-71-134]

DIRECTOR, OFFICE OF HOUSING PROGRAMS ET AL.

Redelegation of Authority With Respect to Low-Rent Public Housing Program

The Director, Office of Housing Programs; the Director, Maintenance Engineering Division; and the Chief, Supply Management Branch, Housing Management, each is authorized to execute contracts and amendments thereto, in furtherance of the low-rent public housing program under the U.S. Housing Act of 1937 (42 U.S.C. 1401 et seq.), with respect to the purchase by local housing authorities of materials, equipment, and supplies.

This redelegation of authority supersedes the redelegation of authority published at 35 F.R. 4019, March 3, 1970, effective February 7, 1970.

(Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); Secretary's delegation of authority effective Mar. 8, 1971, 36 F.R. 5005, Mar. 16, 1971)

Effective date. This redelegation of authority is effective as of July 1, 1971.

NORMAN V. WATSON,
Assistant Secretary for Housing Management.

[FR Doc.71-17021 Filed 11-19-71;8:50 am]

DEPARTMENT OF TRANSPORTATION

Office of Hazardous Materials

ANHYDROUS AMMONIA SHIPMENTS

Noice of Public Meeting

The Department has received information that evidence of stress corrosion cracking is reappearing in MC 330 and MC 331 cargo tanks used for the transportation of anhydrous ammonia. We

are not aware of the extent of the problem as it relates to other shipping containers such as cylinders and rail cars, or of accident experience due to stress corrosion.

On Tuesday, December 14, 1971, at 10 a.m., a public meeting will be held in room 2230 Nassif Building (DOT headquarters), 400 Seventh Street SW., Washington, DC, to discuss this matter.

Any persons having knowledge concerning the existence or extent of stress corrosion cracking, and methods by which it can be prevented, are requested to participate in the meeting. The information developed from this meeting may be used by the Hazardous Materials Regulations Board as the basis for a future rule making action pertaining to the shipping and transportation of anhydrous ammonia in cargo tanks.

Issued in Washington, D.C., on November 16, 1971.

W. J. BURNS,
Director,
Office of Hazardous Materials.

[FR Doc.71-17036 Filed 11-19-71;8:51 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-293]

BOSTON EDISON CO.

Order Setting Evidentiary Hearing

In the matter of Boston Edison Co., (Pilgrim Nuclear Power Station), Docket No. 50-293.

Pursuant to the Board's orders of August 4, 1971 and October 28, 1971, and the discussions at the conference of counsel held in Boston on November 3, 1971, an evidentiary hearing in this proceeding will convene in Plymouth, Mass., on Monday, December 6, 1971, at 10 a.m., e.s.t., at Memorial Hall, 83 Court Street, Plymouth, Mass. 02360.

The purpose of the hearing is to receive evidence relating to the applicants' application for an operating license. In accordance with the order of August 4, evidence will be heard on the radiological and safety aspects of the application, excluding matters relating to gaseous and liquid effluents; environmental aspects also will be excluded. The excluded matters are reserved for consideration at future hearings.

The sequence of presentations will generally be the following: Opening remarks; limited appearance statements; formal introduction of documents and papers required by regulations; applicants' evidentiary presentation, to be followed by cross-examination thereon; introduction of the regulatory staff safety evaluation report, and related matters; Joint Intervenors' evidentiary presentation on contention No. 9 in opposition to applicant's case, and cross-examination thereon; Joint Intervenors' challenge to regulations and criteria, and presentation of rebuttal evidence thereon to the extent that other parties desire to submit rebuttal.

Suggestions for specific items to be included in the agenda for hearing should be submitted to the Board 10 days prior to the date of the hearing.

The Board anticipates that 2 to 2½ days will be required for the first five items noted above, excluding time required for cross-examination, and that 1 day should be scheduled for the presentation of the Joint Intervenors' challenge to regulations and criteria. This schedule will be adjusted to meet the requirements of the hearing as they develop; in the meanwhile, comments by the parties will be welcome.

Written testimony should be submitted 10 days prior to the date of hearing. Witness lists should be exchanged at the same time. Areas of cross-examination should be identified 5 days prior to the hearing. Parties intending to cross-examine should estimate the amount of time they believe they will need for this purpose. Areas in which rebuttal testimony will be offered similarly should be identified 5 days prior to the hearing. Where rebuttal testimony is intended to be presented, copies should be distributed at that time.

In accordance with the Board's order of October 28 and supplemental order of November 15, 1971, the Joint Intervenors' contention No. 9 is the only contention on which evidence to be presented by the Joint Intervenors will be heard as a controverted matter in opposition to the Applicants' evidentiary case. The other contentions of the Joint Intervenors,[1] identified in the supplemental order dated November 15, 1971, will be heard in the manner described in the supplemental order, during the stage of the hearing that is scheduled for the presentation of the Joint Intervenors' challenge to Commission regulations and criteria. The Joint Intervenors should complete their discovery in relation to their contention No. 9 in a timely manner consistent with the hearing schedule indicated herein.

Dated this 17th day of November 1971, at Washington, D.C.

ATOMIC SAFETY AND LICENSING BOARD,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.71-17058 Filed 11-19-71;8:52 am]

[Docket No. 50-268]

GENERAL ELECTRIC CO.

Notice of Availability of Applicant's Environmental Reports

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that reports entitled "Applicant's Environmental Report," "Response to AEC Staff Questions Regarding Applicant's Environmental Report" and "Applicant's Environmental Report, Supplement No. 1," submitted by the General Electric Co. are being placed in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Morris Public Library, 604 Liberty Street, Morris, Ill. 60451. The reports are also being made available to the public at the Illinois State Clearinghouse, Office of the Governor, 205 State House, Springfield, Ill. 62706.

These reports discuss environmental considerations related to the proposed operation of the Midwest Fuel Recovery Plant located in Goose Lake Township, Grundy County, Ill. Comments on the reports may be submitted by interested persons to the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

After the reports have been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of the availability of the applicants environmental reports and the draft detailed statement. The summary notice will request within thirty (30) days comments from Federal agencies, State and local officials, and interested persons on the applicant's environmental reports and the draft detailed statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Md., this 15th day of November 1971.

For the Atomic Energy Commission.

RICHARD E. CUNNINGHAM,
Acting Director,
Division of Materials Licensing.

[FR Doc.71-16371 Filed 11-19-71;8:46 am]

[Docket No. 70-1257]

JERSEY NUCLEAR CO.

Notice of Availability of Applicant's Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations, notice is hereby given that a copy of a report entitled "Applicant's Supplemental Environmental Report—Uranium Oxide Fuel Plant," submitted by Jersey Nuclear Co. and dated October 1971, is being placed for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545. A copy of the report is also being placed for public inspection in the Washington State Clearinghouse, Office of the Governor, State Planning Division and Community Assistance Division, 100 Insurance Building, Olympia, Wash. 98501, and in the Richland Public Library, Swift and Northgate Streets, Richland, WA 99352. The report discusses environmental considerations related to the application by Jersey Nuclear Co. for a license to possess and use special nuclear material for operation of its uranium oxide fuel fabrication plant at Richland, Wash. Comments on the report may be submitted by

[1] Nos. 2(a), 4, 5, 6, 11, 12, 13, 14, 16, 20, and 22.

interested persons to the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Notice of availability of the original environmental report entitled "Applicant's Environmental Report—Uranium Oxide Fuel Plant" was published in the FEDERAL REGISTER on October 27, 1970 (35 F.R. 16646). Notice of availability of the Commission's detailed statement on environmental considerations was published in the FEDERAL REGISTER on July 17, 1971 (36 F.R. 13288). Subsequent to the publishing of the latter notice, on July 23, 1971, the U.S. Court of Appeals for the District of Columbia Circuit held in Calvert Cliff's Coordinating Committee, Inc., et al. v. U.S. Atomic Energy Commission et al. that AEC regulations for the implementation of the National Environmental Policy Act of 1969 did not comply in several specified respects with the dictates of the act and remanded the proceedings to AEC for rule making consistent with the court's opinion. Accordingly, the Commission's regulation 10 CFR Part 50, "Licensing of Production and Utilization Facilities," appendix D, was amended September 9, 1971, to conform with the court's decision. Under the provisions of the amended regulation, it was required that Jersey Nuclear Co. furnish additional environmental information for consideration by the Commission. It is in conformity with that requirement that the supplemental environmental report described in the first paragraph above has been submitted.

After the original and supplemental environmental reports have been reviewed by the Commission's regulatory staff in the light of the revised 10 CFR Part 50, appendix D, a supplemental draft detailed statement on environmental considerations related to the proposed activity will be prepared. Upon completion of the supplemental draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of its availability. The summary notice will request, within thirty (30) days or such longer period as the Commission may determine to be practicable, comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Md., this 15th day of November 1971.

For the Atomic Energy Commission.

RICHARD E. CUNNINGHAM,
Acting Director,
Division of Materials Licensing.

[FR Doc.71-16972 Filed 11-19-71;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 21474]

INVESTIGATION OF PREMIUM RATES FOR LIVE ANIMALS AND BIRDS

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on November 30, 1971, at 10 a.m. (local time) in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., November 16, 1971.

[SEAL] LOUIS W. SORNSON,
Hearing Examiner.

[FR Doc.71-17027 Filed 11-19-71;8:51 am]

UNITED AIR LINES, INC.

Notice of Application for Tariff-Filing Authority; Pickup and Delivery Zone

NOVEMBER 16, 1971.

In accordance with Part 222 (14 CFR Part 222) of the Board's Economic Regulations (effective June 12, 1964), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 23981, from United Air Lines, Inc., Chicago, Ill., for authority to provide pickup and delivery service at Portland, Oreg., to a point approximately 41 miles from the city limits of Portland so as to include the Port of Longview, Wash.

Under the provisions of § 222.3(c) of Part 222, interested persons may file an answer in opposition to or in support of this application within fifteen (15) days after publication of this notice in the FEDERAL REGISTER. An executed original and 19 copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and include such economic data and facts as are relied upon, and shall be served upon the applicant and state the date of such service.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-17028 Filed 11-19-71;8:51 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. sec. 4332(2)(C)) requires that, prior to recommending or reporting on legislation or to taking other major action significantly affecting the environment, the responsible Federal official shall prepare an environmental impact (102) statement. This statement must detail the environmental impact of the proposed action, any adverse effects, and alternatives.

Federal agencies with relevant environmental expertise are to be consulted, and the views of State and local agencies authorized to develop and enforce environmental standards are to be invited. The 102 statements and the comments and views of relevant Federal, State, and local agencies are to be made available to the public.

In order to facilitate public comment on and participation in this process, the Council on Environmental Quality issues monthly a listing of statements received in its "102 Monitor." In addition, a more frequent listing will appear in the FEDERAL REGISTER.

Please note that the statements themselves are not available from the Council. Although statements may be read in the document room of the preparing agency and a limited supply of statements is available from the agency, persons requesting copies are urged to order from one of the sources listed below:

NTIS Order Desk, U.S. Department of Commerce, Springfield, Va. 22151.

All statements available in paper copy (under 300 pages, $3; over 300 pages, $6), final statements in microfiche ($0.95 each; special package of all final statements, $0.35 each). NTIS also lists statements in its semimonthly Announcement Series No. 68, "Environmental Pollution and Control" (annual subscription, $5).

Order by NTIS number appearing in parentheses at the end of each statement description.

Although efforts are underway to facilitate processing of statements for duplication, please allow 1 to 2 weeks for their processing and the handling of orders.

Document Service, Environmental Law Institute, 1346 Connecticut Avenue NW., Washington, DC 20036.

Order by agency, date and ELR number appearing in parentheses at the end of each statement description. Enclose correct amount with order ($0.10 per page).

ENVIRONMENTAL IMPACT STATEMENTS RECEIVED BY THE COUNCIL ON ENVIRONMENTAL QUALITY, NOVEMBER 1–NOVEMBER 12, 1971

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, (202) 388-7803.

AGRICULTURAL RESEARCH SERVICE

Draft, November 4

Soil Inhabiting Insects program: Application of chlordane at 35 high-risk locations (airports, military installations) in 21 States to prevent long-distance artificial spread of plant pests. (ELR Order No. 1165, 13 pages) (NTIS Order No. PB-204 018-D)

SOIL CONSERVATION SERVICE

Draft, November 2

Clarks Fork-Bullocks Creek Watershed, York County, S.C. Includes 17,600 acres of conservation measures, 860 acres of critical area stabilization, six floodwater retarding structures, one multipurpose structure and recreational facilities. Will eliminate 867 acres of woods, 229 acres of open land, and 15 miles of stream fishery. (ELR Order No. 1149, 10 pages) (NTIS Order No. PB-203 877-D)

DEPARTMENT OF DEFENSE

DEPARTMENT OF AIR FORCE

Contact: Col. Cliff M. Whitehead, Room 5E 425, The Pentagon, Washington, D.C. 20330, (202) OX 5-2889.

Final, November 2

Consolidation of all Air Force helicopter training at Hill Air Force Base, Utah. Includes combat crew training, air rescue, recovery, aircraft fire, and rescue training. Fire training will involve open burning of jet fuel, resulting in some smoke and unburned jet fuel. Comments made by DOA, DOI, EPA, Utah Governor, Utah Department of Social Services, and Utah Air Conservation Committee. (ELR Order No. 1151, 162 pages) (NTIS Order No. PB-198 764-F)

Final, November 3

Development and testing of three flight-test B-1 aircraft, a high subsonic, low-altitude penetrator (two-thirds size of B-52) capable of supersonic speed at high altitude. First flight scheduled for April 1974, with decision to enter into production about 12 months later. Describes measures being developed to lessen noise and air pollution. (ELR Order No. 1160, 32 pages) (NTIS Order No. PB-201 711-F)

Development of the F-15 aircraft to fill the Air Force need for an air superiority fighter. A single-place, fixed-wing, twin-turbofan fighter in the 40,000-pound weight class capable of speed in excess of Mach 2, the F-15 is in the advanced development stage. Plans are for a first flight in 1972, with initial operational capability in the mid-1970's. (ELR Order No. 1164, 32 pages) (NTIS Order No. PB-201 710-F)

DEPARTMENT OF ARMY

Corps of Engineers

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office, Office, Chief of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, (202) 693-6329.

Draft, October 29

Perry County Drainage and Levee Districts 1, 2, and 3, Perry County, Mo., and Randolph County, Ill. Construction of four 60-130 c.f.s. pumping stations and two drainage ditches totaling 13,900 feet. Will result in some loss of the 280 acres of brush and forest land, now wildlife habitat. (ELR Order No. 1133, 201 pages) (NTIS Order No. PB-203 775-D)

Draft, November 2

Choctawhatchee River and Holmes Creek, Fla. Permit application for snagging of river from Alabama line to the mouth and of creek from Vernon to its confluence with the river to provide safe navigation for small pleasure craft. Will reduce aquatic habitat. (ELR Order No. 1136, 29 pages) (NTIS Order No. PB-203 770-D)

Penn's Landing, Delaware River, Philadelphia, Pa. Downtown waterfront renewal project in three stages: Stage I (40 acres) required 2.4 million cubic yards of fill; stages II and III (70 acres) will require twice the amount of fill. Involves permanent removal of 110 acres of navigable water and conversion to filled lands. (ELR Order No. 1144, 16 pages) (NTIS Order No. PB-204 013-D)

Final, October 29

Clinton Lake, Wakarusa River project, Kansas. Involves construction of a dam and lake. Inundation of 7,000 acres of wildlife habitat and farmland and 50 miles of free-flowing intermittent streams. Purpose: To provide increased water supply and quality control, flood control, fish and wildlife enhancement, recreation, etc. Comments made by USDA, DOC, DOI, EPA, and Kansas Water Resources Board. (ELR Order No. 1106, 29 pages) (NTIS Order No. PB-203 761-F)

Final, October 28

Spring Creek Channel Improvement, Springdale, Ark. (flood protection). Straightening and enlargement of 9,000 feet of Channel Creek through Springdale. Comments made by DOI, EPA, FHWA, Arkansas Soil and Water Conservation Commission and Society for Environmental Stabilization. (ELR Order No. 1107, 33 pages) (NTIS Order No. PB-198 744-F)

Mason J. Niblack Levee (Pumping Plants), Wabash River Basin, Ind. Involves construction of pumping facilities, powerlines, etc., for flood protection by removing interior ponding from the area protected by the Niblack Levee. Comments made by USDA, DOI, EPA, Indiana Department of Natural Resources, Indiana Planning and Development Clearinghouse and Area Planning Department for Vigo County. (ELR Order No. 1113, 16 pages) (NTIS Order No. PB-202 655-F)

Final, October 27

Navigation project at Atlantic Harbor of Refuge, Carteret County, N.C. Involves dredging channels 7 feet deep, 50-70 feet wide and converting a small marsh into a basin. Dredged material will be used to construct a breakwater. Comments made by USDA, DOI, EPA, DOT, North Carolina Board of Water and Air Resources, and Carteret County Commissioners. (ELR Order No. 1118, 39 pages) (NTIS Order No. PB-198 870-F)

Final, October 29

Small Boat Harbor, Mississippi River, Pepin, Wis. Involves an additional 434-foot sand-filled breakwater, a 60-inch pipe culvert. Purpose: Protection from wave damage and maintainable aeration facility. Comments made by DOI, EPA, Wisconsin Department of Natural Resources, Mississippi River Regional Planning Commission, and village of Pepin. (ELR Order No. 1137, 29 pages) (NTIS Order No. PB-203, 763-F)

Final, November 9

San Antonio Channel Improvements, San Antonio River and Tributaries, Tex. Alterations on 33 miles of channel includes channel excavation, channel paving, deepening San Antonio River Lake section, etc. Purpose: Flood control. Comments made by DOI, EPA, various State of Texas agencies and the San Antonio River Authority. (ELR Order No. 1179, 37 pages) (NTIS Order No. PB-204 032-F)

DEPARTMENT OF THE NAVY

Contact: Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of Navy, Washington, D.C. 20350, (202) 697-0892.

Draft, November 2

Kahoolawe Island Target Complex, Hawaii. Continued use of island as naval target complex. (ELR Order No. 1143, 92 pages) (NTIS Order No. PB-203 876-D)

ENVIRONMENTAL PROTECTION AGENCY

Contact: George Marienthal, Acting Director of Environmental Impact Statements Office, 1750 K Street NW., Room 440, Washington, DC 20460, (202) 254-7420.

Final, October 25

Waste Treatment Facility, Project No. WPC Colo-261, Greeley, Colo. Involves relocating a substantial portion of the present system capacity. Construction consists of four anaerobic lagoons, two aerated ponds, etc. Purpose: Initial effort to centralize treatment facilities for the drainage basin. Comments made by Army COE, USDA, DOI, HEW, HUD, and Colorado State Planning Coordinator. (ELR Order No. 1142, 41 pages) (NTIS Order No. PB-201 886-F)

GENERAL SERVICES ADMINISTRATION

Contact: Rod Kreger, Deputy Administrator, General Services Administration—AD, Washington, D.C. 20405, (202) 343-6077.

Alternate Contact: Aaron Woloshin, Director, Office of Environmental Affairs, General Services Administration—AD, (202) 343-4161.

Draft, November 4

Disposal of a portion of Fort Custer Military Reservation, Battle Creek, Mich. Plan for disposal is as follows: 96 acres with 100 frame buildings for conveyance to State for mental health purposes; 21 acres and existing sewer and water systems to HEW for conveyance to city for health purposes; railroad system to city by negotiated sale; and electrical and telephone system to Consumer Power Co. by negotiated sale. (ELR Order No. 1156, 4 pages) (NTIS Order No. PB-203 884-D)

Disposal of Condon Air Force Station, Gilliam County, Oreg., by competitive bid sale. Involves 66.3 acres, along with 69 buildings, etc. (ELR Order No. 1157, 10 pages) (NTIS Order No. PB-203 885-D)

Draft, October 27

Disposal of Philadelphia Army Supply Base (D-PA-521) by negotiated sale to city of Philadelphia, Pa., for port industrial use. (ELR Order No. 1158, 7 pages) NTIS Order No. PB-203 886-D)

Draft, November 8

Disposal of Lewiston Government Camp, Trinity County, Calif. Sewer and water systems and 6 acres to be assigned to HEW for conveyance to Lewiston Community Services District; gymnasium, 10 acres, and five houses to be assigned to HEW for conveyance to Lewiston School District, electric system to be sold by negotiated sale to Pacific Gas and Electric Co.; 85 housing units and 185 acres to be sold by auction; and seven buildings to be assigned to HEW for conveyance to Shasta and Trinity County School Districts for offsite removal. (ELR Order No. 1166, 6 pages) (NTIS Order No. PB-204 019-D)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Richard H. Broun, Director, Environmental and Land Use Planning Division, Washington, D.C. 20410, (202) 755-6186.

Draft, October 29

Soul City New Community, Warren County, N.C. Proposes loan guarantee of up to $10 million for land acquisition and development of a new community under title VII of the Housing and Urban Development Act of 1970. (ELR Order No. 1139, 63 pages) (NTIS Order No. PB-203 773-D)

Draft, November 2
Portland Student Services, Inc., Portland, Oreg. Loan of $3,193,000 to construct a 16-story apartment building to provide moderately priced student housing. Site is in the Goose Hollow district. (ELR Order No. 1147, 28 pages) (NTIS Order No. PB-204 014-D)

DEPARTMENT OF INTERIOR

Contact: Office of Communications, Room 7214, Washington, D.C. 20240, (202) 343-6416.

BUREAU OF RECLAMATION

Final, November 2
Archer-Weld transmission line: A 230 kv. facility that will extend 57 miles from the Archer Substation east of Cheyenne, Wyo., to the proposed Weld Substation west of Greeley, Colo. Purpose: To interconnect public and private transmission facilities which will help prevent blackouts. Comments made by Army COE, USDA, DOI, EPA, FPC, and various State of Colorado and Wyoming agencies. (ELR Order No. 1150, 45 pages) (NTIS Order No. PB-203 875-F)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tenn. 37401, (615) 755-2002.

Draft, November 8
Supplement—Browns Ferry Nuclear Plant, Units 1, 2, and 3, Limestone County, Ala. (See 102 Monitor, August, p. 77.) Involves construction and operation of plant with 3,456 megawatt capacity. (ELR Order No. 182, Supplement—231 pages; Draft statement—187 pages) (NTIS Order No. PB-204 033-D for supplement only)

Final, October 29
Thomas H. Allen Steam Plant, Gas Turbine Peaking Plant Addition—Units 1-16, Memphis, Tenn. Addition capable of generating 355,500 kw. and designed to use either natural gas or No. 2 distillate fuel oil. Purpose: Provide additional capacity of electricity. Comments made by FPC, HEW, HUD, DOI, DOT, Tennessee Dept. of Conservation, Tennessee Office of Urban and Federal Affairs, and Mississippi-Arkansas-Tennessee Council of Governments. (ELR Order No. 1108, 43 pages) (NTIS Order No. 203 762-F)

DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser[1], Director, Office of Program Coordination, 400 Seventh Street SW., Washington, DC 20590, (202) 462-4357.

FEDERAL AVIATION ADMINISTRATION

Draft, November 8
Big Bear City Airport, San Bernardino County, Calif. Realignment and construction of runway, seven taxiways and apron and installation of lighting and safety operational facilities. Will require relocation of some residences. (ELR Order No. 1170, 25 pages) (NTIS Order No. PB-204 023-D)

Lincolnton-Cherryville Airport, N.C. Construction of new airport south of juncture of North Carolina-182 and SR-1187 adequate for 95 percent of propeller-driven aircraft of less than 12,500 pounds and some light twin engine propeller-driven aircraft. (ELR Order No. 1171, 19 pages) (NTIS Order No. PB-204 024-D)

[1] Mr. Convisser's office will refer you to the regional office from which the statement originated.

Draft, November 5
Park Falls Municipal Airport, Price County, Wis. Construction of paved runway, connecting taxiway, apron and private entrance road and installation of low intensity lighting system. (ELR Order No. 1172, 13 pages) (NTIS Order No. PB-204 025-D)

Draft, November 9
Albany County Airport, Colonie, N.Y. Extension of runway. Will displace six families and necessitate relocation of Old Niskayuna Road. (ELR Order No. 1173, 100 pages) (NTIS Order No. PB-204 026-D)

Final, October 27
Stapleton International Airport project, Denver, Colo. Involves runway improvement, installation of a MIRL lighting system and blast protection, reconstruction of portions of the high-speed turnoffs, etc., to provide new runway for wide-body jets, to prevent erosion and dusting conditions. Comments made by DOI, DOT, State Planning Agency, Denver Regional Council of Government and Adams County Planning Commission. (ELR Order No. 1105, 46 pages) (NTIS Order No. PB-199 604-F)

Final, October 28
Monmouth Municipal Airport, Warren County, Ill. Consists of obtaining reimbursement for land and an aviation easement. Action will make the airport a part of the Federal Aid System of Airports. Comments made by Army COE, USDA, DOC, EPA, HUD, and Illinois A-95 agencies. (ELR Order No. 1116, 67 pages) (NTIS Order No. PB-201 306-F)

Liberty County Airport, Hinesville, Ga. Involves extending and widening runway, installing medium-intensity lighting system, etc. Clearing 12 acres will be necessary. Purpose: Accommodate 60 percent of the business jet fleet. Comments made by USDA, DOI, EPA, Georgia Historical Commission, Georgia Bureau of State Planning and Community Affairs, Coastal Area Planning and Development Commission and city of Hinesville. (ELR Order No. 1119, 26 pages) NTIS Order No. PB-201 691-F)

Airport project at Healdton, Okla. Construction of a new municipal airport and paved landing strip. Will also serve three nearby communities. Comments made by one State agency, city of Healdton, Southern Oklahoma Development Association and Ozarks Regional Development Commission. (ELR Order No. 1120, 28 pages) (NTIS Order No. PB-203 768-F)

Fairhope Municipal Airport, Baldwin County, Ala. Involves land acquisition, runway extension, powerline relocation, etc. Comments made by Army COE, DOI, Alabama Development Office and Southern Alabama Regional Planning Commission. (ELR Order No. 1131, 15 pages) (NTIS Order No. PB-202 088-F)

Indian Valley Airport, Crescent Mills, Calif. Involves right-of-way acquisition, runway embankment and site drainage, site fencing and powerline clearance. Comments made by Army COE, USDA, DOC, DOI, EPA, HEW, and HUD. (ELR Order No. 1135, 42 pages) (NTIS Order No. PB-200 379-F)

FEDERAL HIGHWAY ADMINISTRATION

Draft, October 28
Missouri River Bridge and approaches: Great Falls, Mont. Relocation and construction of four-lane bridge, with four alternatives under consideration. Park land is involved in each, and one crosses an island bird refuge. (ELR Order No. 1109, 28 pages) (NTIS Order No. PB-203 756-D)

Draft, October 29
Route 36: Marion-Ralls Counties, Mo. Construction of 4.8 miles of two-lane highway from a point west of Monroe City to a point west of Route J. Involves taking of approximately 170 acres of farmland, one farm unit, and one building. Job No. 3-F-36-33. (ELR Order No. 1110, 7 pages) (NTIS Order No. 203 754-D)

Route 63: Boone-Callaway Counties, Mo. Construction of 5.9 miles of four-lane highway from a point north of Calloway County line south to Route 54. Job No. 5-P-63-20. (ELR Order No. 1111, 7 pages) (NTIS Order No. 203 755-D)

Route 71: Nodaway-Andrew Counties, Mo. Construction of 23.8 miles of additional two lanes from a point south of Maryville south to Route 59. Job No. 1-F-71-1. (ELR Order No. 1112, 6 pages) (NTIS Order No. PB-203 752-D)

Draft, October 27
Alabama Highways 134 and 92: Coffee, Dale, and Houston Counties, Ala. Improvement from two to four lanes from U.S.-84 bypass in Enterprise to Wicksburg Wye, a length of 13.2 miles. Highway projects S-877-E and S-1004-E. (ELR Order No. 1115, 8 pages) (NTIS Order No. 203 753-D)

Draft, October 29
Golden Strip Freeway: Greenville County, S.C. Construction of 6 miles of freeway from the interchange of I-85 and I-385 east of Greenville south to U.S.-276 at the Standing Springs Road interchange at Simpsonville. Would displace 12 residences. (ELR Order No. 1117, 12 pages) (NTIS Order No. 203 757-D)

U.S.-264: Wake, Nash, and Wilson Counties, N.C. Relocation and improvement of 15.7 miles of highway beginning at North Carolina 97 east of Zebulon and ending near the U.S.-264-SR-1303 intersection. Would require acquisition of 250 acres of farmland and 700 acres of woodland. 14 families and one business would be relocated. Highway project 6.601778. (ELR Order No. 1128, 36 pages) (NTIS Order No. PB-203 750-D)

Draft, October 27
Jacksonville Highway: Grants Pass-New Hope Road section, Josephine County, Oreg. Widening of highway from its intersection with New Hope Road, a distance of 1.4 miles, or developing a new route using 0.6 mile of Harbeck Road and the remaining 1 mile on a new location. (ELR Order No. 1130, 21 pages) (NTIS Order No. PB-203 751-D)

Draft, October 29
M-43: Kalamazoo and Van Buren Counties, Mich. Reconstruction of 14.3 miles of M-43 from M-40 in Van Buren County east to Kalamazoo city limits. Requires removal of 31 homes and one business. Federal highway project S 6( ) and S 6(102) (ELR Order No. 1132, 33 pages) (NTIS Order No. PB-203 774-D)

Draft, October 28
I-75: Lee and Dade Counties, Fla. Construction of limited-access, multilane 135-mile highway and interchanges between Miami and Fort Myers. Requires displacement of 23 residences and five businesses and loss of wetlands. Directly or indirectly affects lands within a Conservation Area, Everglades National Park and Collier-Seminole State Park. 4(f) determination included. (ELR Order No. 1134, 123 pages) (NTIS Order No. PB-203 769-D)

Draft, November 2
SR-438: Silver Star Road, Orange County, Fla. Improvement of a 4.2-mile segment beginning at SR-435 east to SR-500 (U.S.-441), the first 2.5 miles to be additional lanes, the remaining a new four-

lane facility. Will involve relocation of homes and businesses. State job No. 75250–1505. (ELR Order No. 1138, 128 pages) (NTIS Order No. PB–203 771–D)

Draft, October 29

SR–18, Raging River Interchange: King County, Wash. Construction of interchange to permit closing of county road system through Seattle Cedar River Watershed. (ELR Order No. 1140, 22 pages) (NTIS Order No. PB–203 772–D)

U.S.–301 (SR–683): Sarasota and Manatee Counties, Fla. Improvement and relocation of 8-mile, multilane, limited access highway from county line into Bradenton. State job No. 17120–1503 and 13120–1506. (ELR Order No. 1146, 19 pages) (NTIS Order No. PB–203 879–D)

Draft, November 2

I–5: Longview Wye to Rocky Point, Cowlitz County, Wash. Widening of four to six lane freeway for 5.6 miles and updating interchanges. (ELR Order No. 1148, 15 pages) (NTIS Order No. PB–203 878–D)

Draft, November 3

U.S.–7: Wilton, Fairfield County, Conn. Relocation of 3-mile section of four-lane, limited access expressway from Olmstead Hill Road to Wilton-Ridgefield town line. 4(f) statement regards use of Girl Scout campground. State highway project 161–87. (ELR Order No. 1153, 67 pages) (NTIS Order No. PB–203 882–D)

U.S.–20: Fort Dodge, Webster County, Iowa. Reconstruction of 1.7-mile, 4-lane facility beginning at intersection with U.S.–169 and ending at 12th Street. Involves dislocation of five houses and two businesses. (ELR Order No. 1154, 4 pages) (NTIS Order No. PB–203 881–D)

Draft, November 2

SR–35 (U.S.–17): Punta Gorda, Charlotte County, Fla. Construction of a 3.3-mile multilane facility from U.S.–41 to SR–74. State job No. 01040–1504. (ELR Order No. 1155, 20 pages) (NTIS Order No. PB–203 880–D)

Draft, November 3

SR–44: Leesburg, Lake County, Fla. Construction of 1.5-mile multilane facility from SR–44A east to SR–25 (U.S.–27). Three alternatives involve displacement of homes, businesses, etc. (ELR No. 1159, 42 pages) (NTIS Order No. PB–203 883–D)

Draft, November 4

Ward County Road. No. 2: North Dakota. Highway improvement from Niobe north 2 miles to county line, west 1 mile to county line, and east 5 miles to Kenmore. Involves acquisition of 20 acres of land in Des Lacs National Wildlife Refuge, requiring a 4(f) determination. Highway project S–101(13) and S–676 (2). (ELR Order No. 1161, 7 pages) (NTIS Order No. PB–204 015–D)

Draft, November 5

I–435: Platte County, Mo. Construction of 16-mile multilane facility from Missouri River north to I–29, then southeast to near Ferrilview. (ELR Order No. 1162, 20 pages) (NTIS Order No. PB–204 016–D)

Highway project F–377(2): Mobile County, Ala. Construction of new 2.5-mile route beginning on Alabama 163 approximately 16 miles south of Mobile and extending north along Range Line Road to a point on Island Road 1 mile west of Alabama 163. Will displace 14 residences and four businesses, (ELR Order No. 1163, 11 pages) (NTIS Order No. PB–204 017–D)

Draft, November 4

I–85 and U.S.–311: Davidson, Guilford, and Randolph Counties, N.C. Construction of 20-mile segment of I–85 from Groomfield to Lexington and a 4.1-mile relocation of U.S.–311 on west side of Archdale. Involves displacement of 189 families, 31 businesses, and one church and acquisition of a cemetery. State highway projects 8.15295, 8.15773, 8.15317, and 8.15774. (ELR Order No. 1167, 36 pages) (NTIS Order No. PB–204 020–D)

Groton-Marshfield State Highway: Groton, Caledonia County, Vt. Reconstruction of 0.4 mile to eliminate two sharp curves and upgrade surface, approximately 200 feet within boundary of Groton State Forest, requiring a 4(f) determination. Highway project S 0217( ). (ELR Order No. 1168, 47 pages) (NTIS Order No. PB–204 021–D)

Draft, November 5

SR–87: Mesa-Payson (Beeline) Highway, Gila County, Ariz. Improvement of approximately 20 miles of highway, within the Tonto National Forest, from Maricopa County line to Payson. May involve channel changes in sections of State Creek. A 4(f) determination required. Project F–053–1–203. (ELR Order No. 1169, 35 pages) (NTIS Order No. PB–204 022–D)

Draft, November 8

Route 13 (Kansas Trafficway): Greene County, Mo. Involves acquisition of right-of-way, grading, and multilane paving of about 2.8 miles of Springfield, from Division Street south to Sunshine Street. Jobs Nos. 8–0–12–7 and 12. (ELR Order No. 1174, 14 pages) (NTIS Order No. PB–204 027–D)

Draft, November 9

Route 67: Butler County, Mo. Relocation and construction of 3.8 miles of road from just south of Wayne County line to 1.5 miles south of Route JJ. Job No. 10–P–67–20. (ELR Order No. 1175, 8 pages) (NTIS Order No. PB–204 028–D)

Draft, November 8

Trunk Highways 12, 23, and 71: Kandiyohi County, Minn. Involves rerouting above three highways to provide a bypass of Willmar (10 miles). Highway projects SP 3403–27, F 010–2( ), SP 3405–20, F 023–2( ), SP 3411–24, SP 3412–23, F 004–2( ). (ELR Order No. 1176, 30 pages) (NTIS Order No. PB–204 029–D)

Connecting highway between U.S.–278 and SR–157: Cullman County, Ala. Initial two-lane construction with ultimate plans for a rural four-lane divided facility. Will provide a bypass of the town of Cullman. Highway project S–184–D. (ELR Order No. 1177, 7 pages) (NTIS Order No. PB–204 030–D)

U.S.–431: Russell County, Ala. Relocation and widening of road to four lanes from about 2.7 miles south of Seale to a point near Phenix City. Highway project S–50–E. (ELR Order No. 1178, 20 pages) (NTIS Order No. PB–204 031–D)

Final, October 2

SR–104: Hood Canal Bridge Viewpoint, Kitsap County, Wash. Includes construction of access road connecting to SR–3, parking areas, restroom building and viewpoint platform. Highway project F–001–1, CS 1442R. Comments made by USDA, DOI, EPA, HUD, seven State of Washington offices, Kitsap County and Puget Sound Governmental Conference. (ELR Order No. 1100, 28 pages) (NTIS Order No. PB–203 767–F)

Final, October 27

SH Spur 303: From F.M. 1382 in Grand Prairie, east to Loop in Dallas, Tex. Purpose: To provide a fast route between the Oak Cliff area of Dallas and Grand Prairie. Comments made by DOC, DOT, EPA, cities of Dallas and Grand Prairie, Dallas County, and North Central Texas Council of Governments. (ELR Order No. 1101, 23 pages) (NTIS Order No. PB–203 765–F)

Supplemental Freeway FAP Route 406: Sangamon and Morgan Counties, Ill. Freeway construction with full access control from interchange with U.S.–36–54 near Curran to an interchange with U.S.–67 south of Jacksonville. Comments made by USDA, DOC, DOI, EPA, eight State offices, Jacksonville Park Board, and Springfield-Sangamon Counties Regional Planning Commission. (ELR Order No. 1102, 246 pages) (NTIS Order No. PB–201 394–F)

U.S.–90: Part of relocation of U.S.–90 between Lafayette and New Orleans, La., extending south to junction with U.S.–90 east of Wax Lake Bridge. Comments made by AEC, USDA, DOC, DOI, HEW, Office of State Planning, Louisiana Wildlife and Fisheries Commission, and Louisiana State University. (ELR Order No. 1103, 33 pages) (NTIS Order No. PB–203 766–F)

U.S.–183: Custer County, Okla. Reconstruction (widening, resurfacing, etc.) beginning at the Washita River Bridge north of Clinton and extending north through Arapaho to point just north of SH–33 (approximately 8 miles). Highway project F–332. Comments made by DOI and three State of Oklahoma offices. (ELR Order No. 1104, 21 pages) (NTIS Order No. PB–199 585–F)

U.S.–98: Upgrading and widening highway beginning in Mobile, Ala., and continuing 5.3 miles toward Natchez, Miss. Highway Project F–210( ), S–4914( ). Comments made by Army, DOI, DOT, EPA, HUD, Alabama Development Office and South Alabama Regional Planning Commission. (ELR Order No. 1121, 23 pages) (NTIS Order No. PB–203 759–F)

Route 60: Butler-Stoddard Counties, Mo. Upgrading to a dual-lane, limited-access facility from Poplar Bluff urban limits to Route 51 east of Fisk and Route 67 east to Route T. Project's purpose is to locate Route 60 to relieve congestion. Highway project F–60–4(13). Comments made by USDA, EPA, State Clearinghouse, and Bootheel Regional Planning Commission. (ELR Order No. 1122, 14 pages) (NTIS Order No. PB–203 758–F)

State project APL 8009(001): Carroll County, Ga. (partly in Carrollton). Construction of a road from a point on S–835 (0.25 mile east of west city limit) northeast to SR–1, U.S.–27 (about 1.25 miles from city limit). Will open area to industrial development. Comments made by Army COE, USDA, HUD, and Bureau of State Planning and Community Affairs. (ELR Order No. 1123, 13 pages) (NTIS Order No. PB–203 760–F)

PAS Route 613: relocation and improvement of route beginning near College and Johnson Streets in Jacksonville, Ill., and extending northeast for about 1 mile to connect with existing road. Highway project S–613(103). Comments made by USDA, DOC, DOI, EPA, and FPC. (ELR Order No. 1124, 22 pages) (NTIS Order No. PB–200 444–F)

Route 110: Jefferson County, Mo. Improvement of 5.2 miles of road beginning at Route 110 near Desoto east to Route 67. Involves channel alignment of two creeks and taking of three houses and one church. Job No. 6-S-110-4 and 6-S-110-2, Projects S-140(1) and S-140(3). Comments made by USDA, DOI, EPA, DOT, Missouri Department of Community Affairs and East-West Gateway Coordinating Council. (ELR Order No. 1125, 24 pages) (NTIS Order No. PB-198 721-F)

Route 54: Callaway County, Mo. Improvement of 9.7 miles of divided highway between Fulton and Holt Summit. Will require taking seven farm units. Highway project F-54-3(20)(27)(28). Comments made by USDA, DOI, EPA, and Missouri Department of Community Affairs. (ELR Order No. 1126, 17 pages) (NTIS Order No. PB-200 367-F)

Final, October 26

Route 54: Miller County, Mo. Upgrading of present road to dual-lane, limited-access facility from 1 mile west of Route FF to Cole County. Project F-54-3(22). Comments made by HUD, USDA, DOT, EPA, Missouri Department of Community Affairs. (ELR Order No. 1127, 21 pages) (NTIS Order No. PB-203 764-F)

Final, October 27

I-185: Muscogee County, Ga. Construction of new highway from Double Churches Road south to the Columbus-Manchester Expressway, a portion of highway that will connect Atlanta and Columbus. Highway project I-185-1( ). Comments made by EPA, HUD, Georgia Bureau of State Planning and Community Affairs, Georgia Department of Public Health, Lower Chattahoochee Valley Area Planning and Development Commission and Valley Council of Local Governments. (ELR Order No. 1129, 31 pages) (NTIS Order No. PB-200 529-F)

Final, November 2

Cherokee Road Extension (PR 700): Cobb County, Ga. Construction of a four-lane, free-access facility linking Cherokee Street in Smyrna to Windy Hill Road at I-75 interchange. Highway project PR 700 (S-2565). Comments made by EPA, DOT, Navy, Georgia Bureau of State Planning and Community Affairs, Atlanta Region Metropolitan Planning Commission and city of Smyrna. (ELR Order No. 1141, 31 pages) (NTIS Order No. PB-201 400-F)

Final, November 3

Nancy Lake Access Road: Willow, Alaska. Construction of a two-lane road from the Anchorage-Fairbanks Highway to 1.5 miles to connection into the Nancy Lake Recreation Area. 4(f) determination attached. Highway project S-0581(1). Comments made by USDA, three State agencies and Borough Chairman. (ELR Order No. 1152, 15 pages) (NTIS Order No. PB-199 149-F)

TIMOTHY B. ATKESON,
General Counsel.

[FR Doc.71-17040 Filed 11-19-71;8:52 am]

FEDERAL POWER COMMISSION

[Docket No. E-7674]

ALABAMA POWER CO.

Notice of Proposed Changes in Rates and Charges

NOVEMBER 15, 1971.

Take notice that on November 1, 1971, Alabama Power Co. (Alabama Power) filed changes in the form and rate levels of its currently effective rate schedules covering sales for resale in interstate commerce for resale to municipals and distributing cooperatives. Changes with respect to form relate to the conversion of contractual form of rate schedules to the conventional tariff form. The changes in rate levels result in increased jurisdictional revenues of $1,148,329 per annum from the cooperative customers and $1,603,156 from municipal customers, based on 1970 operations. The filing indicates a realized rate of return of 6.60 and 6.67 percent respectively from such classes of customers on the facilities devoted to such service. The tendered tariff changes include fuel and tax adjustment clauses and changes in the general terms and conditions. The company requests that the tendered tariff be permitted to become effective as of January 3, 1972, or as of the earliest date thereafter consistent with existing contracts with its customers.

Alabama Power states that the changes sought are necessitated because of increased operating costs, increased costs associated with the installation of new equipment, increased costs and delays from environmental considerations, increases in the cost of money, and acceleration of its load growth rate. Copies of the filing have been served on the company's customers and are on file with the Commission and available for public inspection.

Any person desiring to be heard or to make protest with respect to said filing should on or before November 26, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Any order or orders issued in this proceeding will be subject to the Commission's Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Order 11615, including such amendments as the Commission may require.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-16991 Filed 11-19-71;8:47 am]

[Docket No. CP72-112]

BLUE DOLPHIN PIPE LINE CO.

Notice of Application

NOVEMBER 15, 1971.

Take notice that on October 26, 1971, Blue Dolphin Pipe Line Co. (Applicant), Post Office Box 2463, Houston, TX 77001, filed in Docket No. CP72-112 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(c) of the regulations under said Act, for a certificate of public convenience and necessity authorizing minor miscellaneous rearrangements of existing natural gas transportation facilities during the calendar year 1972, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to make miscellaneous relocations and rearrangements of existing facilities at a cost not to exceed $10,000. Applicant states that any facilities proposed to be relocated or rearranged are not used to deliver natural gas for boiler fuel purposes and that deliveries through these facilities do not exceed 100,000 Mcf annually.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 6, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-16993 Filed 11-19-71;8:47 am]

[Dockets Nos. RP72-4, RP72-55]

COLORADO INTERSTATE GAS CO.

Order Suspending Proposed Revised Tariff Sheets, Providing for Hearing and Consolidating Proceedings

NOVEMBER 12, 1971.

Colorado Interstate Gas Co. (CIG) on October 15, 1971, tendered for filing a

proposed change in its FPC Gas Tariff,[1] providing for an increase in the rate under Rate Schedule S–1 to be effective November 15, 1971. CIG requests that this tariff change be considered a minor rate increase under § 154.63(a) (3) of the Commission's regulations under the Natural Gas Act and incorporates statements L, M, and N, by reference to Docket No. RP72–4, CIG's general rate increase proceeding. CIG requests that since the proposed Rate Schedule S–1 rate is based on the general service rates which are under suspension until January 1, 1972, in Docket No. RP72–4, and as the underlying cost data is the same in both rate filings, the effective date of the proposed S–1 rate change also be suspended until January 1, 1972. No objection has been filed to this request for suspension of less than the 5-month period provided in the Natural Gas Act.

Since the proposed increased S–1 rate is based upon the increased rate proposed in Rate Schedule G–1 in Docket No. RP72–4, it is appropriate that the proposed S–1 rate be suspended for the same period as the G–1 rate. The proposed S–1 increase has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The fact that the cost and related data relied upon by CIG in support of its filings in Dockets Nos. RP72–55 and RP72–4 are substantially the same raises issues of law and fact common to both proceedings. Under these circumstances it is appropriate that the two proceedings be consolidated for purposes of hearing and decision.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act:

(1) The Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications and service contained in CIG's FPC Gas Tariff, as proposed to be amended herein, and that the proposed tariff sheets listed in Footnote 1 above be suspended and the use thereof be deferred as hereinafter provided; and

(2) Docket No. RP72–55 be consolidated with Docket No. RP72–4 for purposes of hearing and decision.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held as provided for in our order of July 30, 1971, in Docket No. RP72–4, concerning the lawfulness of the rates, charges, classifications, and services contained in CIG's FPC Gas Tariff, as proposed to be amended herein.

(B) Pending hearing and decision thereon, CIG's tariff sheets listed in footnote 1 above are hereby suspended, and the use thereof is deferred until January 1, 1972, or such date as may be authorized under Executive Order No. 11615 or other such authority and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) The proceedings in Docket Nos. RP72–55 and RP72–4 are hereby consolidated.

(D) This order does not relieve Colorado Interstate Gas Co. of any responsibility imposed by, and is expressly subject to, the Commission's Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91–379, 84 Stat. 799, as amended by Public Law 92–15, 85 Stat. 38), including such amendments as the Commission may require, and Executive Order No. 11615.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.71–16994 Filed 11–19–71;8:47 am]

[1] First Revised Volume No. 1 original sheet No. 3B. First Revised Sheet No. 21E.

[Docket No. RP72–65]

COLORADO INTERSTATE GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

NOVEMBER 15, 1971.

Take notice that on November 1, 1971, Colorado Interstate Gas Co. (CIG) tendered for filing a proposed changes in its FPC Gas Tariff providing for a change in its lateral line policy to be effective December 3, 1971. In view of the gas supply shortage, CIG states that it is not in the public interest to maintain a lateral line policy designed to encourage new market additions. Therefore, CIG proposes to adopt a lateral line policy providing that:

> As a general policy, Seller will not build or contribute to the cost of building sales lateral pipelines: *Provided, however,* That in connection with general system expansions, Seller will expand the capacity of existing sales lateral pipelines to meet the increased firm requirements of customers receiving service therefrom.

CIG states that the proposed change is necessary to insure that general system capacity increases may be distributed equally among both main line customers and existing customers served from sales laterals.

Copies of the proposed tariff changes were served on CIG's customers and interested state commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 26, 1971, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.71–16995 Filed 11–19–71;8:48 am]

[Docket No. CP68–248]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

NOVEMBER 15, 1971.

Take notice that on November 3, 1971, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Petitioner), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CP68–248 a petition to amend the Commission's order issued pursuant to section 7(c) of the Natural Gas Act on May 24, 1968 (39 FPC 862), as amended, in said docket by authorizing the construction and operation of certain natural gas pipeline facilities to enable Petitioner to deliver previously authorized volumes of natural gas to Midwestern Gas Transmission Co. (Midwestern), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of May 24, 1968, as amended, authorized, inter alia, the construction and operation of certain facilities by Petitioner for the sale and delivery of a maximum daily volume of 600,780 Mcf of natural gas to Midwestern at two delivery points, one near Portland, Tenn., and the other at the interconnection between the systems of Trunkline Gas Co. (Trunkline) and Midwestern near Potomac, Ill.

Petitioner states that deliveries through the Potomac delivery point by Trunkline will be phased out effective November 1, 1972, and proposes herein to construct and operate 36-inch looplines in the States of Mississippi, Alabama, and Tennessee. These facilities will increase the delivery capability of Petitioner's system by 70,000 Mcf per day and permit the Potomac deliveries to be made at the Portland delivery point. The estimated cost of the facilities proposed herein is $19,670,500, which cost Petitioner states will be financed from operating capital and by use of its revolving credit.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 6, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file

a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-16996 Filed 11-19-71;8:48 am]

[Docket No. CP72-114]

TENNESSEE GAS PIPELINE CO., AND COLUMBIA GULF TRANSMISSION CO.

Notice of Application

NOVEMBER 15, 1971.

Take notice that on November 1, 1971, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), Post Office Box 2511, Houston, TX 77002, and Columbia Gulf Transmission Co. (Columbia Gulf), Post Office Box 683, Houston, TX 77001, filed in Docket No. CP72-114 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee proposes to deliver gas to Columbia Gulf at the tailgate of the Humble Oil & Refining Co.'s Garden City Plant, located in St. Mary Parish, La., and at the Egan "A" measuring station located near Egan, La. Columbia Gulf proposes to deliver equivalent volumes of gas to Tennessee at a proposed delivery point to be constructed in Cameron Parish, La., at a point of intersection of the facilities of the parties, and at the Egan "B" measuring station located near Egan, La.

Pursuant to an Exchange Agreement between the parties, dated August 23, 1971, on the date the facilities heretofore authorized by the Commission in Docket No. CP68-231 (Blue Water Project) are placed in service, Columbia Gulf will commence the delivery of natural gas to Tennessee at a rate of up to 250,000 Mcf per day, 103,200 Mcf of which will be delivered at the Cameron delivery point proposed herein and the balance at the Egan "B" delivery point. Tennessee will commence a simultaneous redelivery of equivalent volumes of gas to Columbia Gulf with not more than 143,900 Mcf per day delivered at the Garden City delivery point and the remainder delivered at the Egan "A" delivery point.

The proposed interconnection and related facilities to be constructed at the Cameron delivery point are estimated to cost $240,200. These facilities are to be constructed and operated by Columbia Gulf, and Tennessee will reimburse Columbia Gulf for one-half of the actual cost.

Applicants state that in the absence of the proposed exchange, Columbia Gulf would be required to install additional facilities in order to accommodate the total volumes of gas it is to transport through the 30-inch portion of the Western Shore Line of the Blue Water Project if Tennessee were also to utilize its share of the capacity of said line.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 6, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-16997 Filed 11-19-71;8:48 am]

[Docket No. G-3894 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Findings and Order

NOVEMBER 11, 1971.

Findings and order after statutory hearing issuing certificate of public convenience and necessity, amending orders issuing certificates, dismissing applications, permitting and approving abandonment of service, terminating certificates, making successor co-respondent, redesignating proceedings and accepting rate schedules for filing.

Each applicant herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission and propose to initiate, continue, abandon, add, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein.

Tamarack Petroleum Co., Inc., applicant in Docket No. CI67-1847, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-10710 to be made pursuant to Shell Oil Co. FPC Gas Rate Schedule No. 142. The present rate under said rate schedule is in effect subject to refund in Docket No. RI71-297. Therefore, applicant will be made a co-respondent in said proceeding and the proceeding will be redesignated accordingly.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention, or protest to the granting of the applications has been filed.

At a hearing held on November 3, 1971, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each applicant herein is a "natural gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sale of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity; and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned, as hereinbefore described and as more fully described in the applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(9) The certificate applications pending in Dockets Nos. CI66–438 and CI68–299 are moot.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Tamarack Petroleum Co., Inc., should be made a co-respondent in the proceeding pending in Docket No. RI71–297 and that said proceeding should be redesignated accordingly.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity in Dockets Nos. G–3894 and CI67–1847 are amended by adding thereto authorization to sell natural gas as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(E) The order issuing a certificate of public convenience and necessity in Docket No. CI63–674 is amended by substituting the successor in interest as certificate holder as more fully described in the application and in the tabulation herein. In all other respects said order shall remain in full force and effect.

(F) The order issuing a certification of public convenience and necessity in Docket No. G–10710 is amended to reflect the deletion of acreage where the outstanding certificate authorization is amended herein Docket No. CI67–1847 by authorizing the continuation of service from the subject acreage. In all other respects said order shall remain in full force and effect.

(G) The certificate of public convenience and necessity granted in Docket No. CI71–536 is subject to any determination which may be made by the Commission in Docket No. R–338 with respect to the transportation of liquids and liquefiable hydrocarbons.

(H) Applicants in the dockets indicated shall charge and collect the following rates, subject to B.t.u. adjustment where applicable:

Docket No.	Rate (cents per Mcf)	Pressure base (p.s.i.a.)
G–3894	15.4377, for sales from formations other than the Wilcox 9350' sand.	14.65
	16.0, for sales from the Wilcox 9350' sand.	14.65
CI71–536	20.0	14.65

(I) The certificate of public convenience and necessity granted in Docket No. CI71–536 is subject to the Commission's findings and order accompanying Opinion No. 586. If the quality of the gas deviates at any time from the quality standards set forth in § 154.106(d) of the regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in Btu content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate. Further, within 90 days from the date of this order, Applicant in Docket No. CI71–536 shall file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 586.

(J) Applicant in Docket No. CI67–1847 shall file three copies of a sample billing statement as required by § 154.92(b) of the regulations under the Natural Gas Act.

(K) Tamarack Petroleum Co., Inc., is made a co-respondent in the proceeding pending in Docket No. RI71–297 and said proceeding is redesignated accordingly. Tamarack shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(L) Applicant in Docket No. G–3894 shall submit a contract amendment extending the makeup period to 5 years for gas produced from added acreage herein authorized.

(M) Permission for and approval of the abandonment of service by applicants, as hereinbefore described and as more fully described in the applications and tabulation, are granted.

(N) The certificate applications pending in Dockets Nos. CI66–438 and CI68–299 are dismissed, the temporary certificates issued in said dockets are terminated, and the related FPC gas rate schedules are cancelled.

(O) The certificates issued in Dockets Nos. G–18064, CI60–743, CI66–1055, CI67–16, and CI70–1134 are terminated.

(P) The applicants in Dockets Nos. CI66–438, CI68–299, and CI71–710, as the result of the abandonments authorized herein, are not relieved of any refund obligations which may be ordered in Dockets Nos. CI66–438, CI68–299, and CI60–743, respectively.

(Q) Applicants in Dockets Nos. CI68–299, CI71–691, and CI71–701, as the result of the abandonments authorized herein, are not relieved of any refund obligations which may be ordered in the proceedings pending in Dockets Nos. RI71–401, RI62–319, and RI65–464, respectively.

(R) The rate schedules and rate schedules supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as set forth in the tabulation herein.

(S) This order does not relieve any of the applicants herein of any responsibility imposed by, and is expressly subject to, the Commission's Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91–379, 84 Stat. 799, as amended by Public Law 92–15, 85 Stat. 38), including such amendments as the Commission may require, and Executive Order No. 11615.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [1]		
			Description and date of document	No.	Supp.
G-3891 C 4-8-71	Atlantic Richfield Co.	Texas Eastern Transmission Corp., North Tom Lyne Field, Live Oak County, Tex.	Amendment 3-1-71 [2] (Effective Date: Initial Delivery).	34	35
CI63-674 E 3-21-69	Palm Resource Corp. (successor to Palm Petroleum Corp.).	C. V. Lyman, Bentonville (Captain Lucey) Field, Jim Wells County, Tex.	Palm Petroleum Corp., FPC Gas Rate Schedule No. 3.	3	
			Supplement Nos. 1-4	3	1-4
			Notice of succession		
			Assignment 1-28-69 [3] (Effective Date: 1-1-69)	3	5
CI66-433 B 2-18-71 [4]	Shell Oil Co. (Operator) et al.	Michigan Wisconsin Pipe Line Co., West Gueydan, Vermilion Parish, La.	Notice of cancellation 2-12-71 (Effective Date: Date of Order).	331	2
CI67-1847 CF 4-6-71 [5]	Tamarack Petroleum Co., Inc. (successor to Shell Oil Co.).	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	Assignment 2-25-71 [6] (Effective Date: 2-1-71)	15	11
CI68-209 B 4-15-71 [7]	Texaco, Inc.	South Texas Natural Gas Gathering Co., Encinitas N.W. (V-7) Field, Brooks County, Tex.	Notice of cancellation 4-13-71. (Effective Date Date of Order).	417	3
CI71-536 A 1-21-71	Continental Oil Co.	Cities Service Gas Co., East Niles Field, Canadian County, Okla.	Contract 12-29-70 (heretofore accepted for filing).	365	
			Compliance 3-30-71 [8] (Effective Date: Date of Initial Delivery).	365	1
CI71-604 B 2-23-71 [9]	Edwin L. Cox (Operator) et al.	United Gas Pipe Line Co., South Bancroft Field, Beauregard Parish, La.	Notice of cancellation 2-18-71 (Effective Date: Date of Order).	63	2
CI71-629 B 2-26-71 [10]	Inexco Oil Co.	Transcontinental Gas Pipe Line Corp., West St. Paul Area, San Patricio County, Tex.	Notice of cancellation 4-2-71 (Effective Date: Date of Order).	6	2
CI71-691 B 3-23-71 [11]	J. S. Abercrombie Mineral Co., Inc. (Operator), et al.	Natural Gas Pipeline Co. of America, Milton Field, Harris County, Tex.	Notice of cancellation 3-18-71 (Effective Date: Date of Order).	1	3
CI71-701 B 3-22-71 [12]	White Shield Oil & Gas Corp. (successor to Valor Production Co.).	Coastal States Gas Producing Co., Chiltipin Field, Duval County, Tex.	Notice of cancellation (Effective Date: Date of Order).	1	3
CI71-710 B 3-29-71 [13]	Ocean Drilling & Exploration Co. (Operator) et al.	Transcontinental Gas Pipe Line Corp., Block 129-A, Eugene Island Area, Offshore Louisiana.	Notice of Cancellation (Effective Date: Date of Order).	3	15

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[1] Where no effective date is indicated, the rate schedule filing has heretofore been accepted.
[2] Amends contract to add acreage to a depth of 10,500 feet; provides for new periodic price increases for the Wilcox 9359 feet sand, and extends the term for such sand.
[3] Assigns acreage from Palm Petroleum Corp. to Palm Resource Corp.
[4] Application for permission and approval to abandon the sale of natural gas commenced under a temporary certificate issued in this docket.
[5] Applicant proposes to continue in part the sale of natural gas authorized in Docket No. G-10710 to be made pursuant to Shell Oil Co. FPC Gas Rate Schedule No. 142.
[6] Assigns acreage from Shell Oil Co. to applicant. The acreage is dedicated to a contract dated Feb. 23, 1955, on file as Shell Oil Co. FPC Gas Rate Schedule No. 142 and also as applicant's FPC Gas Rate Schedule No. RS15.
[7] Application for permission and approval to abandon the sale commenced under temporary certificate issued in this docket.
[8] Compliance with temporary certificate issued Mar. 12, 1971.
[9] Application for permission and approval to abandon the sale of natural gas authorized in Docket No. CI66-1055.
[10] Application for permission and approval to abandon the sale of natural gas authorized in Docket No. CI70-1134.
[11] Application for permission and approval to abandon the sale of natural gas authorized in Docket No. G-18064.
[12] Application for permission and approval to abandon the sale of natural gas authorized in Docket No. CI67-16.
[13] Application for permission and approval to abandon the sale of natural gas authorized in Docket No. CI60-743.

[FR Doc.71-16918 Filed 11-19-71;8:45 am]

[Docket No. RI72-127, etc.]

TERRA RESOURCES, INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

NOVEMBER 11, 1971.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise orderd by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI72-127	Terra Resources, Inc.	6	5	Mountain Fuel Supply Co. (Nitchie Gulch Field, Sweetwater County, Wyo.).	$2,781	10-6-71		1-2-72	15.1125	16.12	RI71-417.
RI72-128	Amoco Production Co	236	5	El Paso Natural Gas Co. (East LaBarge Field, Lincoln and Sublette Counties, Wyo.).	[1] [3] 151	10-12-71		12-13-71	[1] 17.1275 [2] 18.1350	[1] 18.1320 [2] 19.1425	RI70-171. RI70-171.
RI72-129	Humble Oil & Refining Co.	313	7	El Paso Natural Gas Co. (East Boundary Butte Field, Apache County, Ariz.).	1,780	10-13-71		1-2-72	18.7	19.7	RI70-870.
	do	438	[9] 9	Northern Natural Gas Co. (Northeast Oates Field, Pecos County, Tex.) (Permian Basin).		10-13-71	11-13-71	[10] Accepted			RI70-404.
	do		10	do	[4] 761,632 [5] 40,000	10-13-71		12-14-71	[4] [11] 13.6008 [5] [11] 6.9158	[4] [11] 15.6623 [5] [11] 9.0036	RI70-404. RI70-404.
RI72-130	Mobil Oil Corp.	215	23	El Paso Natural Gas Co. (Tip Top Field, Sublette County, Wyo.).	491,571	10-12-71		4-12-72	20.366	[3] 23.9181	RI72-72.
	do	371	7	do	4,017	10-8-71		12-25-71	17.128	[1] 20.366	RI70-414.
RI72-131	Amoco Production Co	[11] 569	1	Texas Gas Transmission Corp. (East Carterville Area, Webster and Bossier Parishes, Northern Louisiana).	3,422	10-14-71		12-15-71	[12] 24.0	[12] [13] 25.25	
RI72-132	Humble Oil & Refining Co.	414	3	United Gas P/L Co. of America (Neches Gas Plant, Cherokee County, Tex., RR. District No. 6).	12,088	10-7-71		12-22-71	[10] [11] 14.035	[10] [11] 15.0375	RI70-392.
RI72-133	do	485	2	Texas Gas Transmission Corp. (West Arcadia Field, Bienville Parish, Northern Louisiana).	30	10-13-71		1-2-72	[10] [11] [13] 18.25	[10] [13] 19.25	
RI72-134	Union Oil Co. of California.	161	1	Arkansas Louisiana Gas Co. (North Carlton Field, Quachita Parish, Northern Louisiana).	1,000	10-15-71		1-2-72	[10] [11] 18.33	[10] [11] 19.33	
RI72-135	Sun Oil Co	18	16	United Gas P/L Co. (Carthage Field, Panola County, Tex., RR. District No. 6).	2,624	10-14-71		1-2-72	[10] 14.0	[11] 15.037	
	do	21	16	do	420	10-14-71		1-2-72	[11] 14.0	[11] 15.037	

* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] For gas delivered to buyer at 860 p.s.i.g. and below.
[2] For gas delivered to buyer above 860 p.s.i.g.
[3] No gas presently being delivered above 860 p.s.i.g.
[4] Devonian production.
[5] Ellenburger production.
[6] Agreement dated Sept. 20, 1971, providing a new schedule of periodic prices.
[7] Base rate of 20 cents plus tax reimbursement less treating costs and downward B.t.u. adjustment.
[8] Increase based on Bureau of Labor Statistics Wholesale Price Index for All Commodities.
[9] Contractually allowed a rate of 20.0 cents. Rate fractured in order to receive a 1-day suspension.
[10] Subject to Downward B.t.u. adjustment.
[11] Basic contract dated after Oct. 1, 1968.
[12] Applicant filing from initial certificated rate to initial contract rate.
[13] Includes 1.75-cent tax reimbursement.
[14] Includes 1.25-cent tax reimbursement.
[15] The pressure base is 14.65 p.s.i.a.
[16] Accepted, to be effective upon expiration of statutory notice, the date shown in the "Effective Date" column.

The proposed increase to 19.7 cents of Humble Oil & Refining Co. is for a sale of gas in Arizona where no formal ceiling rate has been announced. Previously, the Commission has suspended rates in this area that exceed the 17.7-cent in-line price established in the Aneth Area. Humble's rate is suspended for 1 day since the proposed rate does not exceed the rate limit prescribed for a 1-day suspension.

The proposed increase of Mobil Oil Corp. under its FPC Gas Rate Schedule No. 215 is for a sale in an area outside Southern Louisiana and exceeds the corresponding rate filing limitations imposed in Southern Louisiana and therefore is suspended for 5 months.

Additionally, Mobil requests an effective date for which adequate notice was not given. Good cause has not been shown for granting this request and it is denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR 2.56).

Each supplement listed in this appendix is effective as of the date provided in the "Date Suspended Until" column or such later date as may be authorized under Executive Order No. 11615. This order does not relieve any producer herein of any responsibility imposed by, and is expressly subject to, the Commission's Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91–379, 84 Stat. 799, as amended by Public Law 92–15, 85 Stat. 38), including such amendments as the Commission may require, and Executive Order No. 11615.

[FR Doc.71–16920 Filed 11–19–71;8:45 am]

FEDERAL RESERVE SYSTEM

CENTRAL BANCORPORATION, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of The Central Bancorporation, Inc., Cincinnati, Ohio, for approval of acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Canal Winchester Bank, Canal Winchester, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by The Central Bancorporation, Inc., Cincinnati, Ohio, a registered bank holding company, for the Board's prior approval of the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Canal Winchester Bank (Bank), Canal Winchester, Ohio. The bank into which Bank is to be merged has no significance except as a means of acquiring all of the shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Ohio superintendent of banks and requested his views and recommendation. The superintendent offered no objection to the proposed acquisition.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 21, 1971 (36 F.R. 18760), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the applicant and the banks concerned and the convenience and needs of the communities to be served, and finds that:

Applicant, the ninth largest banking organization in Ohio, controls four banks which hold combined deposits of approximately $592 million, representing 2.7 percent of the total commercial bank deposits in the State. (All banking data are as of December 31, 1970, and reflect holding company formations and acquisitions approved through September 30, 1971.) Upon acquisition of Bank ($11 million deposits), applicant would increase its share of deposits in the State by only .05 percentage point, representing no significant increase in applicant's control of deposits in the State, or change in its present ranking.

Bank operates its main office in the village of Canal Winchester and one branch office on the Lockbourne Air Force Base, 10 miles southwest of the main office. Both offices are located in Franklin County. However, the corporate limits of Canal Winchester extend beyond Franklin County and include a small part of Fairfield County to the east. The service area of Bank extends approximately 12 miles around Canal Winchester to include parts of Franklin, Fairfield, and Pickaway Counties.

The Columbus banking market, which includes Franklin County and portions of Pickaway, Madison, Fairfield, and Licking Counties, is regarded as a relevant banking market within which the competitive effects of the instant proposal may be evaluated. It appears that the banks in the Columbus banking market are influenced by rate structures at several Columbus based banks. Canal Winchester (population 2,412) is 8 miles southeast of Columbus, the State capital and largest city in Franklin County. A modern network of highways links Franklin County with all of the surrounding counties, enabling a substantial portion of the residents of these counties to commute to work and shop in the Columbus area. Television programs and newspapers from Columbus circulate throughout the neighboring counties.

Applicant's subsidiary office closest to Bank is located 45 miles east of Canal Winchester, and apparently no significant present competition exists between Bank and this office, or any of applicant's other offices. Under Ohio's restrictive branching laws, none of the subsidiaries of applicant may branch into either Franklin or Fairfield County. Similarly, Bank may not branch beyond Franklin and Fairfield Counties. Because of Bank's small size, and the facts before the Board, it seems evident that Bank is not in a position to lead the formation of a holding company. On the facts of record, it appears that consummation of the proposed acquisition would not foreclose significant potential competition.

The Columbus banking market is highly concentrated. Three banking organizations, representing the second, sixth, and seventh largest banking organizations in the State, control in the aggregate 95.5 percent of deposits in the area. Bank is the fifth largest of 15 banking organizations in the Columbus market, but holds only 0.6 percent of deposits in the area. Consummation of the proposed transaction would represent the initial entry by an out-of-area based holding company into the Columbus market, and would enable Bank to compete more effectively with the Columbus area offices of the above-mentioned three large bank holding companies, without having an adverse effect on other competing banks.

The financial condition and management of applicant and its subsidiaries are regarded as satisfactory and the prospects of each seem favorable. Applicant has made a commitment to supply a minimum of $500,000 equity capital to Bank if the proposed acquisition is made, and to furnish experienced management for the Bank. Such improvements for Bank are desirable and applicant's commitments along these lines weigh strongly in favor of approval of the application. Prospects of Bank, as a member of applicant's system, would be favorable.

Considerations relating to the convenience and needs of the area lend additional weight toward approval. Although the more important banking needs of the area are being served at the present time, affiliation with applicant should enable Bank to meet the competition of the banks now dominating the area. In this connection, applicant states that it intends to assist Bank in setting up five new branches in the next 3 to 5 years. Further, applicant advises of plans to expand Bank's services through increased mortgage, commercial and industrial lending, and to assist Bank in providing trust services. Such new and improved services would enable Bank better to serve the expanding needs of the rapidly growing Columbus metropolitan area. It is the Board's judgment that consummation of the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, On the basis of the record, that said application be and hereby is approved for the reasons summarized above, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[1] November 15, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-16983 Filed 11-19-71;8:46 am]

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Robertson.

CHASE MANHATTAN CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of The Chase Manhattan Corp., New York, N.Y., for approval of acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Chase Manhattan Bank of Long Island (N.A.), Melville, Suffolk County, N.Y., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by The Chase Manhattan Corp., New York, N.Y., for the Board's prior approval of the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Chase Manhattan Bank of Long Island (N.A.), Melville, Suffolk County, N.Y. (Bank), a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 1, 1971 (36 F.R. 17532), providing an opportunity for interested persons to submit comments and views with respect to the proposal.[1] A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant, the largest banking organization in New York, has one subsidiary bank controlling total domestic deposits of $14.3 billion, representing 16.3 percent of the State's total deposits. (All banking

[1] Applicant requested confidential treatment for the information submitted in response to Exhibits C-3, C-4, and E-1 in its application. Pursuant to Board Order (36 F.R. 19195), a public oral proceeding was held on Oct. 15, 1971. The information involved falls within the fourth and eighth exemptions of the Public Information Act (5 U.S.C. 552). While the Act does not require confidential treatment, applying the test set forth in the Board's rules regarding availability of information, § 261.4, the Board has determined on the record of the proceeding that any public interest in disclosure of this information for the purposes of comment on the instant application is outweighed by the potential competitive harm to applicant.

data are as of December 31, 1970, adjusted to reflect holding company formations and acquisitions through September 30, 1971.) Bank, which will not be opened if the application is denied, would serve primarily the Babylon-Islip banking market into which applicant's subsidiary bank cannot branch. The closest banking office of applicant's bank is located 5.5 miles west of Bank in the adjoining Nassau County banking market, and there are many banking offices in the intervening area. Consummation of the proposed transaction would have no adverse effects on existing or potential competition in any relevant area and would have no adverse effects on any competing bank.

The financial and managerial resources and future prospects of applicant and Bank are satisfactory, and consistent with approval. Although there is no evidence that the existing banking needs of the communities involved are not being met, Applicant proposes that Bank will provide the community with an alternative source of specialized banking services. Accordingly, considerations relating to the convenience and needs of the community to be served lend slight weight toward approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the proposed application should be approved.

It is hereby ordered, On the basis of the record, that said application be and hereby is approved for the reasons summarized above, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, and provided further that (c) Chase Manhattan Bank of Long Island (N.A.), Melville, Suffolk County, N.Y., shall be open for business not later than 6 months after the date of this order. The periods prescribed in (b) and (c) hereof may be extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority; and

It is further ordered, That upon the consummation of the proposed transaction, applicant shall not retain or acquire any nonbank shares or engage in any nonbanking activities to a greater extent or for a longer period than would apply in the case of a bank holding company which became such on the date of such consummation, except to the extent otherwise permitted in any regulation of the Board hereafter adopted specifically relating to the effect of the acquisition of an additional bank on the status of nonbank shares and activities of a one-bank holding company formed prior to 1971, or unless the Board fails to adopt any such regulation before the expiration of 2 years after the consummation of the proposed acquisition.

By order of the Board of Governors,[1] November 15, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-16964 Filed 11-19-71;8:45 am]

FIRST NATIONAL CHARTER CORP.

Order Approving Acquisition of Bank Stock By Bank Holding Company

In the matter of the application of First National Charter Corp., Kansas City, Mo., for approval of acquisition of 80 percent or more of the voting shares of Bank of Overland, Overland, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First National Charter Corp., Kansas City, Mo., for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Bank of Overland, Overland, Mo.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Finance for the State of Missouri, and requested his views and recommendation. The Commissioner responded that his office had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 16, 1971 (36 F.R. 18539), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant has six subsidiary banks with total deposits of $475.8 million, which represents 4.2 percent of the total commercial bank deposits in the State, and is the fifth largest banking organization and bank holding company in Missouri. (All banking data are as of December 31, 1970, adjusted to reflect holding company formations and acquisition approved by the Board to date.)

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Maisel, Brimmer and Sherrill. Absent and not voting: Governor Robertson.

Bank, with deposits of $22.6 million, is the 59th largest of the 105 banks competing in the St. Louis banking market, which is approximated by St. Louis County, the city of St. Louis, portions of Jefferson and St. Charles Counties in Missouri, and portions of Madison and St. Clair Counties in Illinois. Applicant received Board approval on November 4, 1971, to acquire voting shares in a bank, The North Side Bank of Jennings, which is located approximately 11 miles east of Bank, but the record discloses that there is no meaningful competition between that approved subsidiary and Bank because of a close relationship based on common ownership and common directors which has existed for over 20 years. Moreover, applicant's other subsidiaries do not compete with Bank to any significant extent and, in light of Missouri's restrictive branching law, the number of available banking alternatives, and the distances separating applicant's subsidiaries from Bank, the development of any such competition appears remote. On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not have significant adverse effects on competition in any relevant area.

The financial and managerial resources and prospects of applicant, its subsidiaries, and Bank are regarded as consistent with approval of the application. Applicant proposes to assist Bank in expanding business services, developing a trust department, and providing data processing services. These considerations relating to convenience and needs of the community lend weight in support of approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

It is hereby ordered, On the basis of the record, that said application be and hereby is approved for the reasons summarized above: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] November 15, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-16963 Filed 11-19-71;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Robertson.

NORTH PLATTE CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by North Platte Corp., Torrington, Wyo., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of at least 65.95 percent of the voting shares of the Citizens Nation Bank of Torrington, Torrington, Wyo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

Board of Governors of the Federal Reserve System, November 15, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-16984 Filed 11-19-71;8:47 am]

STS CORP.

Order Approving Action To Become a Bank Holding Company

In the matter of the application of STS Corp., Billings, Mont., for approval of action to become a bank holding company through the acquisition of 98.68 percent of the voting shares of Security Trust & Savings Bank, Billings, Mont.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by STS Corp., Billings, Mont., for the Board's prior approval of action whereby applicant would become a bank holding company through the acquisition of 98.68 percent of the voting shares of Security Trust & Savings Bank (Bank), Billings, Mont.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Montana Superintendent of Banks and requested his views and recommendation. The Superintendent recommended that favorable consideration be given to the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 28, 1971 (36 F.R. 17385), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant, a nonoperating corporation, was formed for the express purpose of acquiring Bank ($99 million deposits). (All banking data are as of December 31, 1970.) The Scott family presently owns 98.72 percent of the outstanding shares of stock of Bank, which, except for directors' qualifying shares to be held by Homer A. Scott, applicant will acquire through the proposed exchange. The remaining shares of stock of Bank are held by persons who have decided to retain their stock. The purpose of the proposed transaction is to effect a corporate reorganization, and all shareholders of Bank were included in the exchange offer. Since applicant has no present operations or subsidiaries, it appears that consummation of the proposal would neither eliminate existing competition, significantly affect potential competition nor have an adverse effect on other area banks.

The financial and managerial resources and future prospects of Bank are satisfactory and consistent with approval of the application. Applicant was recently organized and its financial condition, management, and future prospects, which are dependent on those of Bank, appear to be satisfactory and also are consistent with approval of the application. Although the acquisition debt to be assumed by Applicant will be relatively high, it appears that applicant can satisfactorily service the debt without placing an undue strain on the resources of Bank. It appears further that consummation of the proposal would have no immediate effect on the convenience and needs of the community, which appear to be adequately served at this time; however, considerations under this aspect of the proposal are consistent with approval of the application. It is the Board's judgment that the transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, On the basis of the record, that said application be and hereby is approved for the reasons summarized above, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Minneapolis pursuant to delegated authority.

By order of the Board of Governors,[1] November 15, 1971.

TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-16965 Filed 11-19-71;8:45 am]

POSTAL RATE COMMISSION

[Docket No. R71-1; Order No. 22]

CHANGES IN POSTAGE RATES AND FEES

Order Reconvening Hearings

NOVEMBER 17, 1971.

Request of the United States Post Office Department for recommended decision on changes in rates of postage and fees for postal services.

The Reader's Digest Association has filed a motion seeking leave to rebut on the record a Report of the Comptroller General of the United States (hereinafter the Report), copies of which were sent to the Commission on October 28, 1971. Alternatively Reader's Digest requests that the Commission make clear that all factual assertions in the Report will be disregarded by the Presiding Officer and by the Commission itself in reaching a decision in the case.

By answer filed November 11, 1971, the Postal Service opposes reopening for purposes of rebutting the Report.

Under the circumstances of this case, it would be appropriate to conduct reconvened proceedings limited to matters concerning the Report.

We leave to the discretion of the Presiding Officer the establishment of a hearing schedule and other procedures.

The Commission orders:

The hearings are reconvened for the limited purpose noted above at a time and under such conditions as the Presiding Officer shall direct.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[FR Doc.71-17015 Filed 11-19-71;8:49 am]

[1] Voting for this action: Governors Mitchell, Daane, Brimmer, and Sherrill. Absent and not voting: Chairman Burns and Governors Robertson and Maisel.

[Docket No. R71-1]

CHANGES IN POSTAGE RATES AND FEES

Notice of Conference

NOVEMBER 18, 1971.

Request of the U.S. Post Office Department for recommended decision on changes in rates of postage and fees for postal services; Docket No. R71-1.

Notice is hereby given that the Chief Examiner, pursuant to the Commission's order issued November 17, 1971, in the above-designated proceeding, has called a conference to convene on Monday, November 29, 1971, at 10 a.m., at the hearing room of the Postal Rate Commission, Suit 500, 2000 L Street NW., Washington, DC to consider further proceedings and procedures concerning the report of the Comptroller General of the United States, copies of which were sent to the Commission on October 28, 1971.

GORDON M. GRANT,
Secretary.

[FR Doc.71-17907 Filed 11-19-71;8:52 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5118]

GRANITE STATE ELECTRIC CO. AND NEW ENGLAND ELECTRIC SYSTEM

Notice of Proposed Increase in Authorized Shares and Issue and Sale of Common Stock By Subsidiary Company To Holding Company

NOVEMBER 15, 1971.

Notice is hereby given that New England Electric System (NEES), 20 Turnpike Road, Westborough, MA 01581, a registered holding company, and its electric utility subsidiary company, Granite State Electric Co. (Granite), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), 7, 9(a), 10, and 12 of the Act and Rule 42 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Granite proposes to increase its capital stock by the authorization of 5,000 additional shares of common stock of the aggregate par value of $500,000. Such shares are proposed to be issued and sold at the price of $100 per share as fixed by Granite's Board of Directors. NEES, the sole common stockholder, proposes to acquire such shares for a cash consideration of $500,000. Upon such authorization, issue, and sale, Granite will have outstanding 40,400 shares of common stock of an aggregate par value of $4,040,000.

The proceeds from the issue and sale of the additional common stock will be applied toward the payment of short-term notes. Granite presently has $6,200,000 of such short-term notes payable outstanding pursuant to Commission authorization, $250,000 payable to banks and $5,950,000 payable to NEES.

The expenses related to the proposed transactions are estimated at $3,750, of which Granite and NEES will pay $3,550 and $200, respectively. It is stated that the New Hampshire Public Utilities Commission has jurisdiction over the proposed issue and sale of common stock by Granite. It is also stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 10, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-17013 Filed 11-19-71;8:49 am]

DEPARTMENT OF LABOR

Office of the Secretary

AVONDALE MILLS

Notice of Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing an affirmative finding under section 301 (c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of workers of Avondale Mills, Birmingham, Ala. (TEA-W-116). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 F.R. 473), the Acting Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under title III, chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C., on or before November 30, 1971.

Signed at Washington, D.C., this 16th day of November 1971.

IRVING I. KRAMER,
Acting Director, Office of Foreign Economic Policy.

[FR Doc.71-17011 Filed 11-19-71;8:49 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

NOVEMBER 17, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be

made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

CORRECTION

MC 128383 Sub 9, Pinto Trucking Service, Inc., assigned December 6, 1971, is postponed to December 13, 1971, in lieu of December 12, 1971, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 119700 Sub 17, Steel Haulers, Inc., now being assigned hearing January 25, 1972, at Memphis, Tenn., in a hearing room to be later designated.

MC 116763 (Sub-No. 190) in lieu of Sub 196, now being assigned January 13, 1972, at Miami, Fla., in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-17025 Filed 11-19-71;8:50 am.]

ASSIGNMENT OF HEARINGS

NOVEMBER 17, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the original docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 135104, A. J. (Archie) Goodale Ltd., heard November 10, 1971, and continued to January 4, 1972, at the Statler-Hilton Hotel, Buffalo, N.Y.

MC 108449 Sub 323, Indianhead Truck Line, Inc., assigned December 15, is advanced to December 13, 1971, at Room 174, New Federal Building, 316 North Robert Street, St. Paul, MN.

No. 35380, National Electrical Manufacturers Association, et al. v. Aberdeen and Rockfish Railroad Co., et al., now being assigned hearing April 11, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 124078 Sub 498, Schwerman Trucking Co., assigned December 13, 1971, in Room 525, New Federal Building, 316 North Robert Street, St. Paul, MN.

MC 123255 Sub 6, B & L Motor Freight, now assigned November 30, 1972, at Washington, D.C., cancelled and application dismissed.

MC 75651 Sub 69, R. C. Motor Lines, Inc., assigned November 29, 1971, at Richmond, Va., is postponed indefinitely.

MC 35286 Sub 2, Truck Line Distribution Systems, Inc., continued to November 22, 1971, in Room 908, State Office Building, Indianapolis, Ind.

MC 11220 Sub 122, Gordons Transports, Inc., assigned December 6, 1971, at Atlanta, Ga., is postponed to January 24, 1972, in Room 353, Peachtree 7th Building, 50 Seventh Street, Northeast, Atlanta, GA.

MC 75320 Sub 156, Campbell Sixty-Six Express, Inc., assigned December 6, 1971, at Atlanta, Ga., is postponed to January 24, 1972, in Room 353, Peachtree 7th Building, 50 Seventh Street, Northeast, Atlanta, GA.

MC-C 7566, W. T. Mayfield Sons Trucking Co., Inc.—Investigation and Revocation of Certificates, assigned December 16, 1971, postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-17026 Filed 11-19-71;8:50 am]

[Notice 398]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 16, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2392 (Sub-No. 84 TA), filed November 8, 1971. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 14248, West Omaha Station, 7722 F Street, Omaha, NE 68114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, feed supplements, urea, feed grade urea, urea, when used in feed or feed ingredients or feed supplements*, in bulk, in tank or hopper vehicles, from Fremont, Nebr., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming, for 180 days. Supporting shipper: Feed Commodities, Inc., Fremont, Nebr. 68025. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, NE 68102.

No. MC 22426 (Sub-No. 12 TA), filed November 8, 1971. Applicant: LONGVIEW MOTOR TRANSPORT, INC., Post Office Box 1366, 763 Seventh Avenue, Longview, WA 98632. Applicant's representative: John Deering (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Freight* of all kinds in containers having prior or subsequent transportation by water, between Longview and Seattle, Wash., and between Portland, Oreg., and Seattle, Wash., for 180 days. Supporting shippers: Olympic Steamship Co., Inc., World Trade Building, Portland, Oreg. 97204; Bridgestone American, Inc., 1875 Northeast Argyle Drive, Portland, OR 97211; J. T. Steeb & Co., Inc., 415 Oregon Pioneer Building, Portland, OR 97204; Longview Fibre Co., Main Office and Mills, Longview, Wash. 98632; Olympic Steamship Co., Inc., World Trade Building, Portland, Oreg. 97204. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 56679 (Sub-No. 54 TA), filed November 9, 1971. Applicant: BROWN TRANSPORT CORP., Post Office Box 6985, 125 Milton Avenue SE., Atlanta, GA 30315. Applicant's representative: B. K. McClain (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides or skins and commodities in bulk) (1) from the plantsite of Swift and Co., Grand Island, Nebr., to points in Florida and Tennessee and (2) from the plantsite of Bookey Packing Co., Des Moines, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shipper: Swift Fresh Meats Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 76472 (Sub-No. 16 TA), filed November 8, 1971. Applicant: MATERIAL TRUCKING, INC., 924 South Heald Street, Wilmington, DE 19801. Applicant's representative: William Saienni (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron ore pellets*, from Wilmington, Del., to Coatesville, Pa., for 180 days. Supporting shipper: Lukens Steel Co., Coatesville, Pa. 19320. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA.

No. MC 109026 (Sub-No. 14 TA), filed November 8, 1971. Applicant: MANNING MOTOR EXPRESS, INC., Post Office Box 685, 1112 West Main Street, Glasgow, KY 42141. Applicant's representative: Carl U. Hurst, Central Building, 1033 State Street, Bowling Green, KY. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),

(1) between Fountain Run and Louisville, Ky.; from Fountain Run over Kentucky Highway 100 to Scottsville, Ky.; thence over U.S. Highway 31–E to Glasgow, Ky.; thence over Kentucky Highway 90 to junction Interstate Highway 65; thence over Interstate Highway 65 to Louisville, Ky., and return over the same route, serving the intermediate point of Holland, Ky.; (2) between Holland and Louisville, Ky.; from Holland over Kentucky Highway 100 to junction Kentucky Highway 870; thence over Kentucky Highway 870 to junction Kentucky Highway 63; thence over Kentucky Highway 63 to Glasgow, Ky.; thence over Kentucky Highway 90 to junction Interstate Highway 65; thence over Interstate Highway 65 to Louisville, Ky., and return over the same route, serving the intermediate point of Fountain Run, Ky.; (3) between Fountain Run, Ky., and Nashville, Tenn.: From Fountain Run over Kentucky Highway 100 to Scottsville, Ky., thence over U.S. Highway 31–E to Nashville, Tenn., and return over the same route, serving the intermediate point of Holland, Ky. Restriction: Service in (1), (2), and (3) above is restricted to traffic originating at or destined to Fountain Run and/or Holland, Ky., for 180 days. Supporting shipper: Martin K. Franks, Traffic Manager, Colonial Corp. of America, Woodbury, Tenn. 37190. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY 40202.

No. MC 110988 (Sub-No. 278 TA), filed November 8, 1971. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, WI 54956. Applicant's representative: David A. Petersen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, in bulk, in hopper-type vehicles, from Albion, Mich., to points in Illinois and Wisconsin, for 180 days. Supporting shipper: American Colliod Co., 5100 Suffield Court, Skokie, IL 60076 (Ronald Williamson, assistant traffic manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 110988 (Sub-No. 279 TA), filed November 8, 1971. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, WI 54956. Applicant's representative: David A. Petersen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper coating emulsion*, in bulk, in tank vehicles, from the plantsite of National Cash Register Co. (NCR) at Dayton, Ohio, to Roaring Springs, Pa., for 180 days. Supporting shipper: The National Cash Register Co., Dayton, Ohio 45409 (D. L. Reinhard, manager, manufacturing laboratory). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 119619 (Sub-No. 66 TA), filed November 8, 1971. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, including nondairy vegetable oil, nonacrated*, in vehicles equipped with mechanical refrigeration, from Indianapolis, Ind., to points in Illinois, Nebraska, Minnesota, Iowa, Kansas, Missouri, Wisconsin, Ohio, Pennsylvania, West Virginia, Virginia, Maryland, Delaware, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, for 180 days. Supporting shipper: Mutual Milk Co., 2243 Bethel Avenue, Indianapolis, IN 46203. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 123392 (Sub-No. 32 TA), filed November 8, 1971. Applicant: JACK B. KELLEY, INC., 3801 Virginia Street, Amarillo, TX 79109. Applicant's representative: Weldon M. Teague (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous hydrogen chloride* in bulk, in tube trailers, from Deer Park, Tex., to San Diego and Los Angeles, Calif., for 150 days. Supporting shipper: S. F. Burke, manager, traffic services, Air Products and Chemicals, Inc., Post Office Box 538, Allentown, PA 18105. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, TX 79101.

No. MC 128564 (Sub-No. 4 TA), filed November 8, 1971. Applicant: KENNETH G. WOODARD, Rural Route 2, 420 Irving Street, Strom Lake, IA 50588. Applicant's representative: Patrick E. Quinn, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Hartington, Nebr., to Carthage, Mo., for 180 days. Supporting shipper: Neu Cheese Co., Hartington, Nebr. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 128720 (Sub-No. 3 TA), filed November 8, 1971. Applicant: MERCHANTS FREIGHT LINE, INC., 122 Fredco Drive, Nashville, TN 37210. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37210. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), (1) between Fountain Run, Ky., and Lafayette, Tenn., from Fountain Run, Ky., over Kentucky Highway 100 to Holland, thence over Kentucky Highway 99 to the Kentucky-Tennessee State line, thence over Tennessee Highway 10 to Lafayette, Tenn., and return over the same route, serving all intermediate points; (2) between Holland, Ky., and Tompkinsville, Ky., from Holland, Ky., over Kentucky Highway 100 to junction with Kentucky Highway 1366, thence over Kentucky Highway 1366 to its junction with Kentucky Highway 63 near Tompkinsville, thence over Kentucky Highway 63 to Tompkinsville, and return over the same route, serving the intermediate point of Fountain Run, Ky., and serving Tompkinsville, and also the junction of Kentucky Highway 100 and 63 (about 2 miles north of the Kentucky-Tennessee State line) for joinder only; and (3) between Gallatin, Tenn., and Fountain Run, Ky., from Gallatin over U.S. Highway 31–E to Scottsville, Ky., thence over Kentucky Highway 100 to Fountain Run, Ky., and return over the same route, serving no intermediate points, and serving Gallatin for joinder only, for 180 days. NOTE: Small LTL shipments will be handled on a peddle run from applicant's Lafayette, Tenn., terminal over Route (1) and also over Route (2) in conjunction with its regular daily operations. Truckload shipments will be handled direct between Holland and Fountain Run, Ky., and Nashville over U.S. Highway 31–E through Scottsville. Applicant states it does intend to tack the authority here applied for with existing authority at Lafayette and Gallatin, Tenn., and at Tompkinsville, Ky. Supporting shipper: Colonial Corporation of America, Woodbury, Tenn. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803–1808 West End Building, Nashville, Tenn. 37203.

No. MC 133276 (Sub-No. 3 TA), filed November 8, 1971. Applicant: BERRY TRANSPORT, INC., 5315 Northwest Street, Helens Road, Portland, OR 97210. Applicant's representative: Nick I. Goyak, Oregon National Building, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers loaded* (general commodities) *and empty*, between points in Oregon, on the one hand, and, on the other, Portland, Oreg., Vancouver, Longview, Tacoma, and Seattle, Wash., and from Wallula, Wash., to Portland, Oreg., for 180 days. Supporting shipper: American Mail Line, 522 Pacific Building, Portland, Oreg. 97204. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine, Portland, OR 97204.

No. MC 135461 (Sub-No. 1 TA), filed November 8, 1971. Applicant: M. B. INTERSTATE, INC., 10 North Seneca Road, Post Office Box 2652, Eugene, OR 97402. Applicant's representative: Neil Monaghan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Lumber and subcomponents* for houses and apartments, from Eugene, Oreg., to points in California, Nevada; and Phoenix and Tucson, Ariz., for 180 days. Supporting shippers: Wood Components Co., Post Office Box 1338, Eugene, OR 97401; Consolidated Hardwood Industries, Post Office Box 549, Eugene, OR 97401; Industrial Lumber Co., Inc., 17890 Southwest Boones Ferry Road, Lake Oswego, OR 97034. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 135786 (Sub-No. 2 TA), filed November 5, 1971. Applicant: NORRIS E. BASS, doing business as N. E. BASS, 9223 Timberlake Road, Lynchburg, VA 24502. Applicant's representative: Bolling Lambeth, Post Office Box 236, Bedford, VA 24532. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Artificial flowers*, from West Pittston, Pa., to points in Florida, South Carolina, North Carolina, and Virginia, for 180 days. Supporting shipper: California Flower Co., 415 Delaware Avenue, West Pittston, PA 18643. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, VA 24011.

No. MC 136043 (Sub-No. 1 TA), filed November 8, 1971. Applicant: REYNOLDS BROTHERS LTD., 2445 St. Clair Avenue West, Toronto, ON, Canada. Applicant's representative: William J. Hirsch, 35 Court Street, Buffalo, NY 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Haydite*, in bulk, from ports of entry on the international boundary line located on the Niagara River between the United States and Canada, to points in Erie and Niagara Counties, N.Y., for 150 days. Supporting shipper: Domtar Construction Materials Ltd. Post Office Box 6138, Montreal 101, Canada. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, NY 14203.

No. MC 136105 (Sub-No. 1 TA), filed November 8, 1971. Applicant: J. C. CLIFT, doing business as CLIFT TRUCK LINE, Route 1, Box 468, Malvern, AR 72104. Applicant's representative: Don T. Jack, Jr., 1550 Tower Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Wood shavings and sawdust*, between Leola, Ark., to Lillie, La., from Leola, Ark., west over Arkansas Highway 46 to junction with Arkansas Highway 9, thence south over Arkansas Highway 9 to junction with Arkansas Highway 8, thence over Arkansas Highway 8 to junction with U.S. Highway 167, thence south over U.S. Highway 167 to Lillie, La., for 180 days. Supporting shipper: H. G. Toler and Son Lumber Co., Inc., Leola, Ark. Send protests to: William H. Land, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 136141 TA, filed November 8, 1971. Applicant: CONTINENTAL TRANSFER COMPANY, INC., 100 Albert Avenue, Metuchen, NJ 08840. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Theatrical equipment, materials, and supplies*, when moving in connection with the relocation of theatrical performances and personnel accompanying such *equipment, materials, and supplies*, for the account of Jose Greco Foundation for Hispanic Dance, Inc., between points in New York, N.Y., and points in the United States, for 150 days. Supporting shipper: The Jose Greco Foundation for Hispanic Dance, Inc., 866 United Nations Plaza, New York, NY 10017. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 136143 TA, filed November 8, 1971. Applicant: ROBERT E. THOMAS, doing business as R. E. THOMAS TRUCKING, 936 Northeast Croxton Avenue, Grants Pass, OR 97526. Applicant's representative: Robert E. Thomas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products* requiring mechanical refrigeration, between points in Oregon, Washington, California, and Idaho, for 180 days. Supporting shippers: Rogue Gold Dairy, 234 Southwest Fifth Street, Grants Pass, OR 97526; Cartwright's Bonanza Orlin's Meat Specialties, Inc., Post Office Box 607, Central Point, OR 97501; Original House of Pies, 10502 Southeast Stark Street, Portland, OR 97216; Denny's Restaurant No. 330, 15 Northwest Morgan Lane, Grants Pass, OR 97526; Cascade Columbia Foods Inc., Southern Oregon Division, Post Office Box 02086, Portland, OR 97202. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg.

No. MC 136144 TA, filed November 8, 1971. Applicant: ACME TRANSFER AND STORAGE CO., INC., 52 Ninth Avenue NE., Minneapolis, MN 55413. Applicant's representative: Harold Gorman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs*, not cold—packed nor frozen, having a prior movement by rail, from Hunt-Wesson Foods, Inc., distribution center located in Shakopee, Minn., to Minneapolis-St. Paul commercial zone, Hastings, Stillwater, and Long Lake all of which are located in the State of Minnesota, for 180 days. Supporting shipper: Hunt-Wesson Foods, Inc., Toledo, Ohio. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 136145 TA, filed November 8, 1971. Applicant: VIRGIL BEEM, doing business as DESERT TRANSPORTATION, 2202 West McDowell Road, Phoenix, AZ 85009. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal, used aircraft parts, a scrap metal processor and small tools*, used in preparing scrap metal and aircraft parts, between Tucson, Ariz., on the one hand, and, points in the United States, on the other, for 180 days. Supporting shipper: Artko Corp., 6401 South Tucson Boulevard, Post Office Box 11366, Tucson, AZ 85706. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

MOTOR CARRIER OF PASSENGERS

No. MC 136142 TA, filed November 8, 1971. Applicant: CONTINENTAL TRANSFER COMPANY, INC., 100 Albert Avenue, Metuchen, NJ 08840. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, accompanying theatrical equipment, materials and supplies*, when moving in connection with the relocation of theatrical performances, for the account of The Jose Greco Foundation for Hispanic Dance, Inc., between points in New York, N.Y., and points in the United States, for 150 days. Supporting shipper: The Jose Greco Foundation for Hispanic Dance, Inc., 866 United Nations Plaza, New York, NY 10017. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-17022 Filed 11-19-71;8:50 am]

[Notice 399]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 17, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days

after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 43734 (Sub-No. 6 TA), filed November 11, 1971. Applicant: ARTUS TRUCKING COMPANY, INC., 47-02 Second Avenue, Brooklyn, NY 11232. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, NY. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper bags*, between Kearny, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, within 250 miles of New York, N.Y., restricted to traffic having a prior or subsequent movement by rail or truck, for 180 days. Supporting shippers: Emblum Paper Corp., 307 Fifth Avenue, New York, NY 10016; Westvaco, Westvaco Building, 299 Park Avenue, New York, NY 10017; The Northwest Paper Co., Cloquet, Minn. 55720; Knickerbocker Paper Co., Inc., 160 Charles Street, New York, NY 10014; Cross Siclare/New York, Inc., 207 Thompson Street, New York, NY 10012. Send protests to: Marvin Kampel, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10006.

No. MC 44639 (Sub-No. 46 TA), filed November 10, 1971. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, NJ 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Bland, Va., on the one hand, and, on the other, Crewe, Va., for 180 days. NOTE: Applicant states it intends to tack with authorized operations in MC 44639 at Crewe, Va. Supporting shipper: Bland Sportswear, Inc., Bland, Va. 24315. Send protests to: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, NJ 07102.

No. MC 103993 (Sub-No. 676 TA) (Correction), filed October 20, 1971, published FEDERAL REGISTER October 30, 1971, corrected and republished in part as corrected this issue. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Ralph H. Miller (same address as above). NOTE: The purpose of this partial republication is to set forth the correct spelling of *Cowley* County, Kans., in lieu of Crowley County, Kans., shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 103993 (Sub-No. 677 TA), filed November 10, 1971. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frames and undercarriages*, with hitchball connectors, from points in Cabarrus County, N.C., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Riblet Products Corp., Elkhart, Ind. Send protests to: Acting District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 113951 (Sub-No. 6 TA), filed November 10, 1971. Applicant: CRESSY TRANS. CO. INC., 109 Gledellen Road, West Roxbury, MA 02132. Applicant's representative: George C. O'Brien, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Charleston and Georgetown, S.C., and ports of entry of Calais and Houlton, Maine, to Boston, Mass., and Manchester, N.H., for 150 days. NOTE: Applicant states it intends to tack with its own authority at Boston, Mass., and Manchester, N.H. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, JFK Federal Building, Room 2211-B, Government Center, Boston, Mass. 02203.

No. MC 117956 (Sub-No. 9 TA), filed November 9, 1971. Applicant: HUGH H. SCOTT, doing business as SCOTT TRANSFER CO., 920 Ashby Street SW., Atlanta, GA 30310. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency and commercial paper*, between Cornelia and Clarkesville, Ga., on the one hand, and, points in Cherokee, Clay, Swain, and Jackson Counties, N.C., on the other, for 180 days. Supporting shipper: First National Bank of Cornelia, Cornelia, Ga. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 117999 (Sub-No. 3 TA), filed November 10, 1971. Applicant: TOM GALLO, Wicker Street, Post Office Box 268, Ticonderoga, NY 12883. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, NY 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from port of entry on the international boundary line at or near Calais, Maine to Albany, N.Y.; also, from the ports of Charleston and Georgetown, S.C., to Albany, N.Y., for 150 days. Supporting shipper: Albany Banana Corp., Menands Regional Market, Albany, N.Y. 12204. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 128273 (Sub-No. 112 TA), filed November 9, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, 121 Humboldt Street, Fort Scott, KS 66701. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from the plant and warehouse facilities of Farmland Industries, Inc., and/or Farmers Chemical Co., located in Jasper County, Mo., to points in New Mexico, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Arkansas, Louisiana, Wisconsin, Illinois, Kentucky, Tennessee, and Indiana, for 180 days. Supporting shipper: Farmland Industries, Inc., 3315 North Oak, Kansas City, MO. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 134387 (Sub-No. 7 TA), filed November 8, 1971. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, CA 90280. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from points in Alameda County and Los Angeles County, Calif., to points in Cochise County, Ariz., for 180 days. Supporting shipper: Brockway Glass Company, Inc., 8717 "G" Street, Oakland, CA. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 134884 (Sub-No. 2 TA), filed November 5, 1971. Applicant: FARWEST FURNITURE TRANSPORT, INC., 6840 112th Avenue Southeast, Renton, WA 98055. Applicant's representative: Bruce Mitchell, Suite 301, Tavern Square, 421 King Street, Alexandria, VA 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and fixtures*, from points in Washington (including ports of entry on the international boundary line between the United States and Canada), Oregon and California to points in Idaho, and return,

for 180 days. Supported by: There are approximately 30 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Opertaions, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 134922 (Sub-No. 20 TA), filed November 9, 1971. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Playground apparatus and childrens recreational equipment*, from Bossier City, La., to points in California, Arizona, Nevada, Utah, Colorado, Idaho, Montana, Washington, and Oregon, for 180 days. Supporting shipper: Gym-Dandy, Inc., Bossier City, La. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 135492 (Sub-No. 1 TA), filed November 11, 1971. Applicant: NORTHERNAIR FREIGHT SERVICE, INC., 12 Home Avenue, Burlington, VT 05401. Applicant's representative: John P. Monte, 61 Summer Street, Barre, VT 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods, commodities in bulk, and commodities requiring the use of special equipment), restricted to the transportation of shipments having an immediately prior or subsequent movement by air, between the U.S. Customhouse at the international boundary at or near Champlain, N.Y., and Highgate Springs, Vt., on the one hand, and, on the other, LaGuardia Airport and John F. Kennedy Airport at New York, N.Y., and Newark Airport at Newark, N.J., for 180 days. NOTE: Applicant states no tacking with other authority issued by the Interstate Commerce Commission, but will be tacking with authority issued by the Transportation Board of the Province of Quebec to provide through service to Montreal International Airport. Supporting shippers: Reynolds Air Services Inc., Post Office Box 233, Montreal International Airport, Montreal 300, PQ, Canada.; J. P. St-Arnaud & Cie. Ltee. 407 McGill Street, Suite 610, Montreal, PQ, Canada. Send protests to: District Supervisor Martin P. Monaghan, Jr. Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 135797 (Sub-No. 1 TA), filed November 10, 1971. Applicant: J. B. HUNT COMPANY OF GEORGIA, INC., 833 Warner Street SW., Atlanta, GA 30310. Applicant's representative: Virgil H. Smith, Suite 431, Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Tanks, hydropneumatic, cylindrical, steel, other than cement, glass or porcelain lined;* (b) *boiler heaters, gas,* with or without clay radiants; (c) *brooders; poultry, canopy or hovers* (knocked down other than flat-sectioned); from the plantsite of the Hoyt Corp. at Rogers, Ark., and the plantsite of the Hoyt Corp., Stephens County, Ga., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Maryland, Michigan, Mississippi, Missouri, North Carolina, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Hoyt Corp., Post Office Box 248, Rogers, AR 72756. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 136014 (Sub-No. 1 TA), filed November 10, 1971. Applicant: INTERNATIONAL CONTAINER SERVICE, INC., 9020 Northeast Vancouver Way, North Portland, OR 97211. Applicant's representative: Robert H. Griswold, 2416 North Marine Drive, North Portland, OR 97043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities in steamship cargo containers; empty steamship cargo containers; green hides,* between Blaine, Seattle, Longview, Tacoma, and Vancouver, Wash., Portland and Astoria, Oreg., San Francisco, Los Angeles, and Long Beach, Calif., on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, Idaho, Montana, Utah, Arizona, New Mexico, and Colorado, restricted to traffic having an immediately prior or subsequent movement by water, for 180 days. Supporting shippers: Japan Line (U.S.A.) Ltd., 1200 Commonwealth Building, 421 Southwest Sixth Avenue, Portland, OR 97204; American Mail Line, 522 Pacific Building, Portland, Oreg. 97204; Williams, Dimond & Co., 406 Oregon Pioneer Building, Portland, Oreg. 97204; Kerr Steamship Co., Inc., Suite 915, 707 Southwest Washington Street, Portland, OR 97205; Port of Portland, Box 3529, Portland, OR 97208. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 136146 TA, filed November 10, 1971. Applicant: EMPIRE WAREHOUSE, INC., 4970 Olive Street, Commerce City, CO 80022. Applicant's representative: Kenuff D. Wolford, 946 Metropolitan Building, Denver, CO 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, between points within the counties of Denver, Arapahoe, Adams, Boulder, Weld, and Larimer, Colo., for 180 days. Supporting shipper: E. J. Branch & Sons, 4656 West Kinzie Street, Chicago, IL. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

MOTOR CARRIER OF PASSENGERS

No. MC 136147 TA, filed November 11, 1971. Applicant: VALLEY TRANSIT CORP., 9001 West 79th Place, Justice, IL 60458. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter or special operations, beginning and ending in Cook and Du Page Counties, Ill., and extending to points in Ohio, Wisconsin, Michigan, Missouri, Indiana, Tennessee, Florida, New York, Iowa, Kentucky, Georgia, Pennsylvania, Minnesota, and the District of Columbia, for 180 days. Supported by: There are approximately 61 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Robert G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-17023 Filed 11-19-71;8:50 am]

[Notice 785]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 17, 1971.

Synopses of orders entered pursuant to Section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73172. By order of November 15, 1971, the Motor Carrier Board, on reconsideration, approved the transfer to New Ulm Freight Lines, Inc., New Ulm, Minn., of the operating rights in permit No. MC-133882 (Sub-No. 1), issued July 28, 1970, to Barry Bloedel, doing business as New Ulm Freight Lines, New Ulm, Minn., authorizing the transportation of equipment, materials, and supplies used in the manufacture, assembly, and furnishing of mobile homes,

from South Bend and Elkhart, Ind., Chicago, Ill., and Marshfield, Wis., to New Ulm, Minn., restricted to operations under a continuing contract with Homette Corp., Division of Skyline, Inc., New Ulm, Minn. James Malecki, 1 South State Street, New Ulm, MN 56073, attorney for applicants.

No. MC–FC–73181. By order of November 15, 1971, the Motor Carrier Board approved the transfer to Ann Meyers Bell, doing business as Bell Transport Co., Longview, Tex., of the operating rights in certificates No. 98749 (Sub-No. 1), MC–98749 (Sub-No. 18), and MC–98749 (Sub-No. 25), issued August 25, 1969, January 22, 1965, and December 4, 1969, respectively to Durward L. Bell, doing business as Bell Transport Co., Longview, Tex., authorizing the transportation of various commodities from Longview, Tex., to points in the United States except Alaska and Hawaii. Joe T. Lanham, 1102 Perry-Brooks Building, Austin, Tex. 78701, attorney for applicants.

No. MC–FC–73202. By order of November 15, 1971, the Motor Carrier Board approved the transfer to Gay Trucking Co., Inc., Savannah, Ga., of those portions of the operating rights in certificates Nos. MC–123067 (Sub-No. 74) and MC–123067 (Sub-No. 76) issued March 19, 1970, and May 11, 1970, to M & M Tank Lines, Inc., Winston-Salem, N.C., authorizing the transportation of roof slabs and materials used in the installation of roof slabs, from the plantsite of Concrete Products, Inc., in Brunswick, Ga., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Nebraska, Ohio, Oklahoma, South Dakota, Texas, Virginia, West Virginia, and Wisconsin, and Missouri; wood excelsior, from points in the specified destination States to the plantsite of Concrete Products, Inc., in Brunswick, Ga., and iron and steel articles, from points in Chatham County, Ga., to points in Alabama, Georgia, and Tennessee. Herbert Alan Dubin and William P. Sullivan, 1819 H Street NW., Washington, DC 20006, attorneys for applicants.

No. MC–FC–73243. By order of November 15, 1971, the Motor Carrier Board approved the transfer to Ellis Transfer & Storage, Inc., Florence, S.C., of certificate No. MC–109542, issued January 9, 1969, to M. A. Ellis, Jr., doing business as M. A. Ellis Transfer & Storage Co., Florence, S.C., authorizing the transportation of: Household goods as defined by the Commission, between points in Florence and Darlington Counties, S.C., on the one hand, and, on the other, points in North Carolina and Georgia. John L. McGowan, Post Office Box 109, Florence, SC, attorney for applicants.

No. MC–FC–73248. By order of November 12, 1971, the Motor Carrier Board approved the transfer to DM's Trucks, Inc., Minneapolis, Minn., of that portion of the operating rights in Certificate No. MC–123393 (Sub-No. 42), issued January 10, 1967, to Bilyeu Refrigerated Transport Corp., Marshall, Mo., authorizing the transportation of meats, meat products, and meat byproducts, and articles distributed by meat packinghouses as described in sections A and C to appendix I of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, from points in Kansas on and east of U.S. Highway 281 and on and south of U.S. Highway 56, except Kansas City, to Springfield, Mo., restricted against service at the plantsite of Iowa Beef Packers, Inc., near Emporia, Kans. Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105 and Lawrence Askinosie, 926 Woodruff Building, Springfield, Mo. 65805, attorneys for applicants.

No. MC–FC–73274. By order of November 15, 1971, the Motor Carrier Board approved the transfer to Emil Grass Moving & Express Co., a corporation, St. Louis, Mo., of the operating rights in Certificate No. MC–15989, issued June 17, 1941, to Carlson Transfer Co., a corporation, St. Louis, Mo., authorizing the transportation of electrical appliances, between St. Louis, Mo., on the one hand, and, on the other, points and places in Illinois within 50 miles of East St. Louis, Ill.; scrap leather, from St. Louis, Mo., to Caseyville, Ill.; leatherboard, from Caseyville, Ill., to St. Louis, Mo.; scrap paper, from St. Louis, Mo., to Caseyville and Alton, Ill., and general commodities, with usual exceptions, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission. Austin C. Knetzger, 722 Chestnut Street, St. Louis, MO 63101, attorney for applicants.

No. MC–FC–73278. By order of November 12, 1971, the Motor Carrier Board approved the transfer to T. F. Boyle Transportation, Inc., Holliston, Mass., of Certificate of Registration No. MC–54819 (Sub-No. 1), issued December 6, 1963, to Abraham A. Hill, doing business as S. Hill & Son, Everett, Mass., evidencing a right to engage in transportation in interstate commerce as described in certificate No. 1704, dated August 30, 1939, issued by the Massachusetts Department of Public Utilities. Frederick T. O'Sullivan, 372 Granite Avenue, Milton, MA 02186, attorney for applicants.

No. MC–FC–73285. By order of November 15, 1971, the Motor Carrier Board approved the transfer to Sutton's Tours & Travel Service, Inc., Struthers, Ohio, of the Brokers License No. MC–12858 issued July 27, 1964, to Antonette Sutton, doing business as Sutton's Tours and Travel Service, Struthers, Ohio, authorizing the holder thereof to engage in operations as a broker, in arranging for the transportation of: Passengers and their baggage, in special or charter operations, beginning and ending at points in Mahoning County, Ohio, and extending to points in Illinois, Michigan, Indiana, West Virginia, Ohio, Pennsylvania, New York, New Jersey, Virginia, Louisiana, Florida, the District of Columbia, and ports of entry on the U.S.–Mexico boundary. A. Charles Tell, attorney, 100 East Broad Street, Columbus, OH 43215.

No. MC–FC–73291. By order of November 12, 1971, the Motor Carrier Board approved the transfer to Campbell Trucking, Inc., Maquoketa, Iowa, of the operating rights in Certificate No. MC–93454 issued May 17, 1960, to Irvie Campbell, doing business as Campbell Trucking, Maquoketa, Iowa, authorizing the transportation of livestock and agricultural commodities, from Elwood, Iowa, to Chicago, Ill., serving intermediate and off-route points within 25 miles of Elwood; general commodities, with usual exceptions, from Chicago, Ill., to Elwood, Iowa, serving all intermediate and off-route points within 25 miles of Elwood; farm machinery and parts, from East Moline, Ill., to Elwood, Iowa, serving named intermediate and off-route points; livestock, from Maquoketa, Iowa, to Chicago, Ill., and Milwaukee, Wis.; household goods and emigrant movables, between Elwood, Iowa, and points within 26 miles thereof, on the one hand, and, on the other, points in Illinois, and other specified commodities from specified points in Illinois to Maquoketa, Iowa. Larry D. Knox, Hubbell Building, Des Moines, Iowa 50309, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–17024 Filed 11–19–71;8:50 am]

CUMULATIVE LIST OF PARTS AFFECTED—NOVEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during November.

3 CFR

Page

PROCLAMATIONS:
- 3279 (amended by Proc. 4092) - 21397
- 4091 - 21329
- 4092 - 21397
- 4093 - 21401
- 4094 - 21805

EXECUTIVE ORDERS:
- Nov. 9, 1871 (see PLO 5144) - 21036
- July 2, 1910 (revoked in part by PLO 5144) - 21036
- June 16, 1911 (revoked in part by PLO 5144) - 21036
- Mar. 21, 1917 (revoked in part by PLO 5144) - 21036
- Dec. 9, 1926 (see PLO 5144) - 21036
- 11627 (amended by EO 11630) - 21023
- 11630 - 21023
- 11631 - 21575

5 CFR

213 - 20931, 21577, 21665, 22051
230 - 21180
733 - 22052
771 - 22052
772 - 22052

6 CFR

101 - 21788, 21952
201 - 21790, 21952
300 - 21792, 21953, 22013

7 CFR

20 - 21577
68 - 22139
81 - 22053
210 - 21867
220 - 21870
245 - 21870
401 - 22000–22006
402 - 22006
403 - 22006
404 - 22006
406 - 22007
408 - 22007
409 - 22007
410 - 22007
413 - 22007
601 - 21403
722 - 21751, 21870
777 - 21256
796 - 21277
811 - 21871
815 - 21277
874 - 21449
905 - 22054
906 - 21403
907 - 21119, 21577, 21874, 22007
908 - 21119, 21578
910 - 20932, 21331, 21751, 21817, 22143
911 - 22008
912 - 21331, 21752
913 - 21331, 21752
926 - 21025
932 - 21874
944 - 22008
959 - 21875
966 - 21449
984 - 22054, 22144
989 - 22055
1030 - 22056
1036 - 21578
1464 - 21875
1808 - 21877
1823 - 21666
1890p - 21450

PROPOSED RULES:
- 724 - 21208
- 780 - 21291
- 905 - 22066
- 907 - 21894
- 913 - 21522
- 912 - 22067
- 915 - 21894
- 928 - 20980
- 929 - 21411
- 930 - 21818
- 932 - 21059
- 959 - 22165
- 982 - 21411
- 984 - 21291
- 989 - 20981, 21599
- 1030 - 20981, 21413
- 1049 - 20981
- 1124 - 21819
- 1207 - 22166, 22168
- 1443 - 21894
- 1464 - 21209
- 1701 - 21522, 22067

8 CFR

211 - 22145
212 - 22145
214 - 21277

9 CFR

75 - 21755
76 - 20932, 21181
92 - 20932
101 - 21579
102 - 21579
112 - 21579
113 - 21579
114 - 21579
117 - 21579
120 - 21579
132 - 21579

PROPOSED RULES:
- 11 - 21318
- 76 - 21652
- 113 - 21058
- 201 - 21683
- 309 - 21414
- 318 - 20984

10 CFR

50 - 21579
140 - 21580

PROPOSED RULES:
- 71 - 22184

12 CFR

11 - 21451
210 - 21403
213 - 22145
222 - 21666
225 - 21666, 21807, 21808
545 - 21025
563 - 21667
572 - 21667

PROPOSED RULES:
- 222 - 21897
- 269 - 21212
- 291 - 21212
- 545 - 21363
- 546 - 21066
- 563 - 21067, 22186

13 CFR

120 - 21332
121 - 21183

14 CFR

23 - 21278
25 - 21278
27 - 21278
29 - 21278
39 - 21729, 21581, 21668, 21752, 22008, 22009, 22056
65 - 21280
71 - 21029, 21030, 21182, 21280–21282, 21403, 21582–21584, 21670, 21808, 21878, 22009, 22010, 22056, 22057, 22146
75 - 21030, 21584–21586, 21670, 21671, 22057
95 - 21671
97 - 21282, 21673, 22057
103 - 21183, 21878
241 - 20933
1204 - 21753
1241 - 22010

PROPOSED RULES:
- 39 - 21064, 21210, 21633, 22180
- 47 - 21414
- 63 - 22015
- 71 - 21064, 21065, 21211, 21293, 21415, 21416, 21600, 21601, 21696, 21697, 21763, 22070–22072
- 75 - 22072
- 91 - 22180
- 103 - 22181
- 225 - 21601
- 228 - 22076
- 245 - 21361
- 1245 - 21068

15 CFR

368 - 22010
369 - 22011
371 - 22011
373 - 22011
375 - 22012
379 - 22012
386 - 22012

16 CFR

13 - 21586, 22146–22151
251 - 21517
410 - 21518

PROPOSED RULES:
- 436 - 21607, 22187

17 CFR

Page

231 ... 22013
240 ... 21178
249 ... 21178

PROPOSED RULES:

240 ... 21525
270 ... 21897

18 CFR

154 ... 21963, 22058
201 ... 21962, 21964
204 ... 21966
205 ... 21967
260 ... 21963, 21968

PROPOSED RULES:

125 ... 22187
154 ... 22187
157 ... 22187
225 ... 22187
260 ... 22076

19 CFR

1 ... 21335
4 ... 21025
16 ... 21336

PROPOSED RULES:

21 ... 22162

20 CFR

PROPOSED RULES:

404 ... 21360, 21696, 21895
405 ... 21895

21 CFR

3 ... 21587
121 ... 21588, 22058
130 ... 21026
135 ... 21404
135a ... 21404, 22059
135b ... 21404, 21405, 21808
135c ... 21184, 21404, 21452, 21809
135e ... 20938, 21405
135g ... 21186
146a ... 21879
146c ... 21186, 21879
146d ... 21188
146e ... 21188
148i ... 20938
148m ... 21879
148n ... 21879
191 ... 21809, 22059
295 ... 22151
308 ... 21336, 22153
420 ... 21189, 21190

PROPOSED RULES:

3 ... 21688
19 ... 22068
27 ... 20985
31 ... 20985
148i ... 20985
191 ... 20985, 20986
295 ... 21832
311 ... 21057
312 ... 21057

22 CFR

41 ... 22153
42 ... 20939
121 ... 20939
123 ... 20940
124 ... 20940
125 ... 20941
126 ... 20942
201 ... 21190

24 CFR

Page

242 ... 21674
1914 ... 20942, 21408, 21589, 21882
1915 ... 20943, 21409, 21590, 21882

PROPOSED RULES:

1710 ... 21043

26 CFR

1 ... 20944

PROPOSED RULES:

1 ... 20980, 21057, 21206, 21207, 21291, 21894

28 CFR

50 ... 21028

29 CFR

55 ... 21282, 21337
545 ... 21810
681 ... 21810
782 ... 21778

PROPOSED RULES:

201 ... 21930
202 ... 21930
203 ... 21930
204 ... 21930
205 ... 21930
206 ... 21930
1904 ... 21687

30 CFR

75 ... 21756, 22061
81 ... 21405

PROPOSED RULES:

270 ... 21610

31 CFR

405 ... 21338

32 CFR

1 ... 21120
2 ... 21128
3 ... 21128
4 ... 21131
5 ... 21133
6 ... 21136
7 ... 21139
8 ... 21152
9 ... 21152
10 ... 21153
11 ... 21153
12 ... 21153
13 ... 21159
14 ... 21160
15 ... 21161
16 ... 21167
17 ... 21168
18 ... 21168
19 ... 21169
22 ... 21169
24 ... 21174
25 ... 21174
26 ... 21174
30 ... 21175
45 ... 21178
61 ... 21339
65 ... 21339
78 ... 21339
87 ... 21178
141 ... 21339
155 ... 21815
187 ... 21339
245 ... 22153

32 CFR—Continued

Page

275 ... 20944
713 ... 21519
725 ... 21968
742 ... 21883
761 ... 21889
1467 ... 21339
1806 ... 21178

PROPOSED RULES:

1600 ... 21216
1602 ... 21072
1603 ... 21072
1604 ... 21072, 21216
1606 ... 21216
1609 ... 21216
1611 ... 21072
1613 ... 21216
1617 ... 21072, 21216
1619 ... 21216
1621 ... 21072, 21216
1622 ... 21072
1623 ... 21072
1624 ... 21072
1625 ... 21072
1626 ... 21072
1627 ... 21072
1628 ... 21072
1630 ... 21072
1631 ... 21072
1632 ... 21072
1642 ... 21072
1655 ... 21072
1660 ... 21072, 21294

32A CFR

OEP (Ch. I):

ES Reg. 1 ... 21761
Circ. 25 ... 21593
Circ. 26 ... 21761
Ch. X ... 21284

PROPOSED RULES:

Ch. X ... 22163

33 CFR

110 ... 21756
117 ... 21359, 21590, 21890
208 ... 21190

PROPOSED RULES:

117 ... 21063, 21763
199 ... 21523
209 ... 22065

36 CFR

7 ... 20945, 21666, 21881

38 CFR

3 ... 20945, 22144
17 ... 21030
21 ... 21406

39 CFR

3002 ... 21994

41 CFR

1-16 ... 21453
4-12 ... 21815, 21891
5A-1 ... 21676
5A-2 ... 21406
5A-72 ... 21891, 21995
5A-73 ... 21892
5A-74 ... 21892
5B-2 ... 21407
5B-18 ... 21407
8-2 ... 21676

41 CFR—Continued

Page

8–4 ... 21676
9–4 ... 21191
14–1 ... 20946
14–2 ... 20947
14–3 ... 20947
14–6 ... 20947
14–7 ... 20947
15–1 ... 20947
15–3 ... 21192
18–1 ... 21454
18–2 ... 21469
18–3 ... 21472
18–5 ... 21485
18–6 ... 21485
18–7 ... 21486
18–8 ... 21492
18–9 ... 21496
18–11 ... 21498
18–13 ... 21499
18–15 ... 21500
18–16 ... 21501, 21588
18–26 ... 21504
18–50 ... 21507
18–51 ... 21508
18–52 ... 21513
29–1 ... 22159
29–3 ... 22159
101–11 ... 21031
101–26 ... 21284

PROPOSED RULES:

101–17 ... 21059
101–18 ... 21059
101–20 ... 21059

42 CFR

PROPOSED RULES:

52 ... 21292
73 ... 21292, 21696
90 ... 21833

43 CFR

4 ... 21284, 21756, 22062
24 ... 21034
2780 ... 21677
3100 ... 21035

43 CFR—Continued

Page

PUBLIC LAND ORDERS:

5116 ... 21591
5142 ... 21195
5143 ... 21036
5144 ... 21036

PROPOSED RULES:

25 ... 21207
3000 ... 21610
3045 ... 21610
3104 ... 21610
3200 ... 21610

45 CFR

213 ... 21520
249 ... 21409, 21591
250 ... 21591
801 ... 20949
1061 ... 22062

PROPOSED RULES:

170 ... 21600
220 ... 22177

46 CFR

2 ... 21196
146 ... 21196, 21284
222 ... 21892
380 ... 21816

PROPOSED RULES:

146 ... 22069, 22177
542 ... 21524
546 ... 21524

47 CFR

1 ... 21677
21 ... 21677
73 ... 21197, 21592, 21996, 21999
74 ... 21677
81 ... 20956
83 ... 20970
85 ... 20977
89 ... 21200, 21677
91 ... 21200, 21677
93 ... 21200, 21677
95 ... 21677

47 CFR—Continued

Page

PROPOSED RULES:

21 ... 22016
73 ... 21066, 21293, 21602
74 ... 20988, 21835
81 ... 21602
83 ... 21602

49 CFR

171 ... 21201
172 ... 21201, 21287
173 ... 21201, 21287, 21339, 21343, 21817
174 ... 21201, 21202
175 ... 21201
177 ... 21201, 21202
178 ... 21202, 21287
179 ... 21339, 21343, 21803
566 ... 20977, 22063
571 ... 21355, 21694
1033 ... 21203, 21452, 22063
1048 ... 21462
1056 ... 21358
1062 ... 21596

PROPOSED RULES:

172 ... 21360, 22073, 22181
173 ... 21360, 22073
174 ... 22181
175 ... 22181
177 ... 22181
178 ... 22073
192 ... 21698, 21834
195 ... 21211
233 ... 22015
234 ... 22015
566 ... 20987
1047 ... 21071
1048 ... 21524
1115 ... 21698
1252 ... 21610

50 CFR

28 ... 21203
32 ... 21203, 21597, 21817
33 ... 21407, 21520, 21597, 21598, 21817, 21893
260 ... 21037

PROPOSED RULES:

32 ... 21411

LIST OF FEDERAL REGISTER PAGES AND DATES—NOVEMBER

Pages	*Date*	*Pages*	*Date*
20925–21016	Nov. 2	21659–21745	Nov. 12
21017–21112	3	21747–21799	13
21113–21270	4	21801–21860	16
21271–21321	5	21861–21955	17
21323–21391	6	21957–22043	18
21393–21442	9	22045–22132	19
21443–21567	10	22133–22216	20
21569–21658	11		